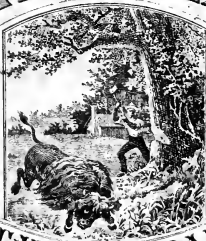


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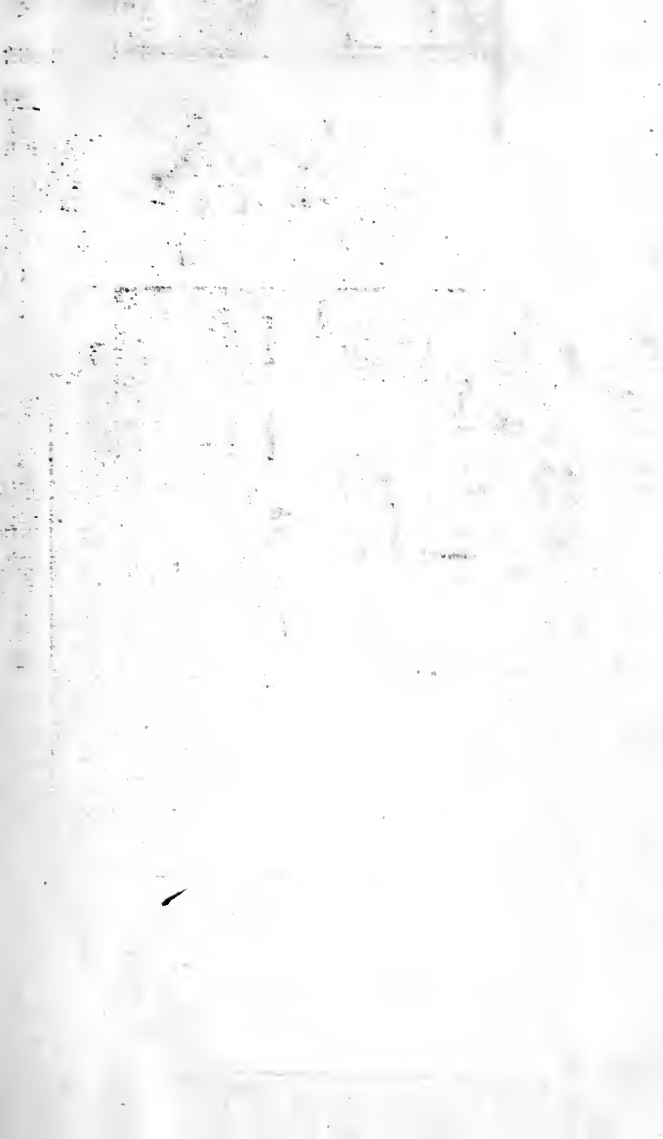
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1855
JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

³⁸
DURING THE 28th SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA.

BEGUN AND HELD IN THE CITY OF INDIANAPOLIS ON THURSDAY, THE FOURTH
DAY OF JANUARY, 1855.

INDIANAPOLIS:

AUSTIN H. BROWN, STATE PRINTER.

1855.



State Librarian

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

During the thirty-eighth session of the General Assembly of the State of Indiana, begun and held in the city of Indianapolis, on Thursday, the fourth day of January in the year of our Lord one thousand eight hundred and fifty-five, being the day fixed by law for the meeting of the same.

The House of Representatives being called to order by WILLIAM R. BOWES, principal clerk of the last House of Representatives, the following members appeared, produced their credentials, and were sworn into office by the Honorable Samuel E. Perkins, one of the Judges of the Supreme Court of said State, and took their seats:

*From the County of Adams—David Studabaker.
From the County of Bartholomew—Thomas Essex.
From the County of Blackford—William T. Shull.
From the County of Boone—William M. Gordon.
From the County of Brown—James S. Hester.
From the County of Carroll—John F. Gwinn.
From the County of Cass—David M. Dunn.*

From the County of Clark—Thomas D. Foote.

From the County of Clay—William H. Gifford.

From the County of Clinton—James W. Wilson.

From the County of Crawford—Nicholas Beckenbaugh.

From the County of Daviess—James H. McConnell.

From the County of Dearborn—Alvin J. Alden, and John Crozier.

From the County of Decatur—Samuel A. Bonner.

From the County of De Kalb—James Hadsell, and Alonzo P. Clark.

From the County of Delaware—David Kilgore.

From the County of Dubois—John S. Martin.

From the County of Elkhart—Walter E. Beach.

From the County of Fayette—Nelson Trüsler.

From the County of Floyd—William S. Hillyer.

From the County of Fountain—Isaac M. Coen.

From the County of Franklin—Noah Miller, and F. R. A. Jeter.

From the County of Fulton—Kline G. Shryock.

From the County of Grant—Authur W. Sanford.

From the County of Greene—Andrew Humphreys.

From the County of Gibson—John Hargrove.

From the County of Hamilton—John F. Sims.

From the County of Hancock—Thomas D. Walpole.

From the County of Harrison—John Lemmon.

From the County of Hendricks—Henry G. Todd.

From the County of Henry—Luther C. Mellett and Milton Peden.

From the Counties of Howard and Tipton—Charles D. Murray.

From the Counties of Huntington and Wells—Oliver P. Gilham.

From the County of Jackson—Jeremiah S. Tanner.

From the County of Jay—John V. C. Shanks.

From the County of Jefferson—David C. Branham and John Brazelton.

From the County of Jennings—Washington Malick.

From the County of Johnson—Joseph M. King.

From the Counties of Jasper and Pulaski—Thomas Clark.

From the County of Knox—John McCord.

From the County of Kosciusko—James M. Frazier.

From the County of Lagrange—William Smith.

From the County of Lake—David Turner.

From the County of Laporte—Jacob R. Hall.

From the County of Lawrence—David S. Lewis.

From the County of Madison—Thomas King.

From the County of Marion—James W. Hervey and Horatio C. Newcomb.

From the County of Martin—James S. Wood.

From the Counties of Marshall and Stark—A. L. Wheeler.

From the County of Miami—Nelson W. Dickerson.

From the County of Monroe—Samuel H. Buskirk.

From the County of Montgomery—Rufus M. Earl.

- From the County of Morgan*—Isaac W. Tackett.
From the County of Noble—John H. Brothwell.
From the County of Oange—David S. Huffstetter.
From the County of Owen—John D. Montgomery.
From the County of Parke—Levi Sidwell.
From the County of Perry—Ballard Smith.
From the County of Pike—David J. Davs.
From the County of Porter—Achilles V. Bartholomew.
From the County of Posey—Magnus T. Carnahan and Joel Hume.
From the County of Putnam—James McMurray.
From the County of Randolph—George W. Monks.
From the County of Ripley—John A. Buchanan.
From the County of Rush—George C. Clark.
From the County of Scott—David McClure.
From the County of Shelby—Thomas A. McFarland.
From the County of Spencer—Stephen D. Williamson.
From the County of Sullivan—David Usrey and James H. Wein.
From the Counties of Switzerland and Ohio—George W. Harry
 man and David Cain.
From the County of St. Joseph—George C. Merrifield.
From the County of Tippecanoe—Thomas H. Clark.
From the County of Union—George W. Clark.
From the County of Vigo—Robert N. Hudson and Virgil J. Bur
 nitt.
From the County of Vanderburgh—Granpee W. Hardin.
From the County of Wabash—Charles S. Ellis.
From the County of Warren—Calbroth Hall.
From the County of Warrick—Simon P. Lowe.
From the County of Washington—Ezekiel D. Logan and Rudol-
 phus Schoonover.
From the County of Wayne—Solomon Meredith, Charles H.
 Test and Thomas Stanton.
From the County of White—James H. Thomas.
From the County of Whitley—John S. Cotton.

On motion by Mr. Meredith,

The House proceeded to the election of a Speaker by a *viva voce* vote.

Those who voted for David Kilgore were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of De Kalb, Clark of Rush, Clark of Tippi canoe, Clark of Union, Coen, Dickenson, Dunn, Earl, Ellis, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Orange, Harden, Harryman, Hervy, Hillyer, Hudson, McConnell, McCord, McMurray, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peck, Paugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Stanton, Tackett, Thomas, Todd, Trusler, Turner, Wilson and Wood—58.

Those who voted for Andrew Humphreys were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Walpole, Weir, Williamson and Wheeler—35.

David Kilgore having received a majority of all the votes, was declared duly elected Speaker of the House of Representatives for and during the present session, and was conducted to the chair by Messrs. Meredith and Humphreys.

On motion by Mr. Murray,

The House proceeded to the election of Principal Clerk by a *viva voce* vote.

Those who voted for John Levering were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of De Kalb, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickenson, Dunn, Earll, Ellis, Fouts, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Orange, Harden, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merryfield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood, and Mr. Speaker—57.

Those who voted for Samuel S. Crow were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Jeter, King of Johnson, King of Madison, Lemmon, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Walpole, Weir, Williamson and Wheeler.—36.

John Levering having received a majority of all the votes given, was declared duly elected Principal Clerk for and during the present session, was sworn into office by the Speaker, and entered upon the discharge of his duties.

On motion by Mr. Buskirk,

The House proceeded to the election of an Assistant Clerk by a *viva voce* vote.

Those who voted for John Coburn were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of De Kalb, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickenson, Dunn, Earl, Ellis, Fouts, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McCord, McMurray, Malick, Mellett, Meredith, Merryfield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—59.

Those who voted for James H. Vawter were,

Messrs. Alden, Buskirk, Clark of Jasper, Cotton, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Walpole, Weir, Williamson and Wheeler,—34.

John Coburn having received a majority of all the votes given was declared duly elected Assistant Clerk, for, and during the present session; he appeared, was sworn into office by the Speaker, and entered upon the discharge of his duties.

A message from the Senate by Mr. Sites, the Assistant Secretary

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Solan Turman Principal Secretary, Charles N. Shook, Assistant Secretary and Charles Warner, Doorkeeper; and that they are now ready to proceed to legislative business.

On motion by Mr. Tackett,

The House proceeded to the election of Doorkeeper by a *viva voce* vote.

Those who voted for Butler Hubbard were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of DeKalb, Clark of Rush, Clark

of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merryfield, Monks, Murray, Newcomb, Peckenpangh, Peden, Sanford, Sidwell, Simms, Shanks, Shryock, Smith of Lagrange, Stanton, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—58.

Those who voted for Harry Vandegrift were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, M'Clure, M'Farland, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Walpole, Weir, Williamson and Wheeler—36.

Butler Hubbard having received a majority of the votes given, was declared duly elected Doorkeeper, for, and during the present session, was sworn into by office by the Speaker, and entered upon the discharge of his duties.

Mr. Murray moved that the House proceed to the election of an Assistant Doorkeeper.

Messrs. Walpole, and Humphreys demanded the yeas and nays upon the motion.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of DeKalb, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Haiden, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merryfield, Monks, Murray, Newcomb, Peckenpangh, Peden, Sanford, Sidwell, Simms, Shanks, Shryock, Shull, Smith of Lagrange, Tackett, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Brothwell, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Smith of Perry, Stanton, Studabaker, Tanner, Test, Usry, Walpole, Weir, Williamson and Wheeler,—37.

So the motion prevailed.

The House then proceeded to the election of an Assistant Doorkeeper.

Those who voted for Sylvanus Church were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of De Kalb, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazier, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McConnell, McClure, McMurray, Malick, Mellett, Meredith, Merryfield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Wood and Mr. Speaker—58.

Those who voted for Michael Bonner were,

Messrs. Alden, Cotton, Crozier, Davis, Essex, Gordon, Hester, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, McFarland, Martin, Montgomery, Usry, Williamson, and Wheeler,—21.

Blank—6.

Mr. Brothwell voted for John L. Dew.

Sylvanus Church having received a majority of all the votes given was declared duly elected Assistant Doorkeeper during the present session.

He appeared, was sworn into office by the Speaker, and entered upon the discharge of his duties.

On motion by Mr. Murray,

Resolved, That the Clerk of this House inform the Senate that this House has met and organized by the election of David Kilgore, Speaker, John Levering, Principal Clerk, and John Coburn, Assistant Clerk, Butler Hubbard, Doorkeeper, and Sylvanus Church, Assistant Doorkeeper, and are now ready to proceed to legislative business.

Mr. McClure offered the following resolution :

Resolved, That the standing rules and orders which were in force for the government of the House of Representatives in its legislative proceedings at its last session be adopted as the rules and orders for the government of the present session.

Mr. Walpole moved the following amendment, which was accepted by Mr. McClure :

Resolved, That in addition to the committee contemplated by section 8 of the rules, there be constituted a committee of one from each judicial circuit to be denominated "the committee of Stock Banks."

On motion by Mr. Meredith.

The amendment was stricken out.

The question then recurring on the adoption of the resolution, It was adopted.

On motion by Mr. Murray,

The House adjourned till 2 o'clock P. M.

2 o'clock P. M.

The House met.

The Speaker laid before the House the following communication from a committee of the State Board of Agriculture :

HON. DAVID KILGORE,

Speaker of the House of Representatives :

The undersigned were on this day appointed by the State Board of Agriculture a committee to ask, through you, of the Members of the House of Representatives, over which you have the honor to preside, the use of the Hall of the House on to-morrow evening to hear Dr. R. T. Brown, of Montgomery county, read an essay on the soils of Indiana, and also to hear Mr. Burbank, of Clark county, on the culture of Cranberries.

W. H. BENNETT,
JAMES ODELL,
JOHN W. WRIGHT.

Which on motion was laid on the table.

On motion by Mr. Schoonover,

The use of the Hall of the House of Representatives was given to the State Board of Agriculture on to-morrow evening.

On motion by Mr. Humphreys,

Resolved, That a committee of two be appointed by this House, to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and learn from him when he will make his usual communication to this General Assembly ; and that the Senate be informed of the adoption of this resolution.

Messrs. Humphreys and Shryock were appointed the committee.

Mr. John J. Peyton, a Representative from the county of Clay, appeared, produced his credentials, and was sworn into office by the Speaker.

On motion by Mr. Murray,

Resolved, That the doorkeeper be directed to procure for each member of this House, a copy of the Revised Statutes of 1852, and of the acts of the General Assembly.

On motion by Mr. Cotton,

Resolved, That the doorkeeper be required to furnish each member of this House with a copy of the rules and joint rules of the last Legislature, at as early an hour as possible.

On motion by Mr. Meredith,

Resolved, That a committee of two on the part of this House, to act in conjunction with a similar committee on the part of the Senate, to wait on the Rev. John L. Smith and request him to attend in this Hall on to-morrow morning at 9 o'clock, to open the session of this General Assembly with prayer. And that the Senate be invited to attend, and that seats be provided for them within the bar of this House.

Resolved, That the Senate be informed of the adoption of the foregoing resolution.

Messrs. Meredith and Hargrove were appointed the committee.

Nimrod Landers, a representative from the county of Boone, appeared, presented his credentials and was sworn into office by the Speaker, and took his seat.

Mr. Buskirk offered the following resolution :

Resolved, That the Clerk procure from the Clerk of the Supreme Court, copies of the decisions of the Supreme Court, in the cases of the State on relation of Langdon *vs.* Bland, of the State on the relation of Black et al *vs.* inhabitants of Greencastle township, and the State against Springfield township, in Franklin county, and that he have three hundred copies of each decision printed for the use of the General Assembly.

Mr. Newcomb offered the following amendment, which was accepted by Mr. Buskirk :

Also the decision of the Supreme Court pronounced at the May term of said Court, 1853, deciding unconstitutional the act of 1853, relative to the traffic in spirituous liquors, &c.

Mr. Test moved to lay the resolution upon the table.

Which motion did not prevail.

The question recurring upon the resolution,

It was adopted.

Mr. Studabaker offered the following resolution.

Resolved, That the doorkeeper be instructed to furnish for the use of the House, each member with the Journals of the House of last session of the General Assembly.

Which was adopted.

A message from the Senate by Mr. Sites assistant Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that they have reciprocated the following resolution :

Resolved, That a committee of two be appointed by this House to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and learn from him when he will make his usual communication to this General Assembly, and that the Senate be informed of the adoption of this resolution, and that Messrs. Spann and Harris were appointed said committee on the part of the Senate.

On motion by Mr. Murray,

Resolved, That the 8th Rule of the House be so amended as to authorize the appointment of a standing committee on temperance.

Mr. Harden gave notice that on to-morrow he would offer a resolution to amend the 8th rule so as to provide for the appointment of a committee on county and township business.

On motion by Mr. Hardin,

The vote on the resolution offered by Mr. Murray amending the 8th Rule, was reconsidered, and the resolution laid upon the table until to morrow.

Mr. Humphreys, from the committee appointed to wait upon the Governor, made the following report :

MR. SPEAKER :

The committee on the part of the House, to wait upon his Excellency the Governor to learn when he would be pleased to make his usual communication to this General Assembly, instructs us to report, that in conjunction with the Senate committee, they have performed that duty, and that His Excellency informed them he would make his communication on to-morrow at 2 o'clock, P. M

On motion by Mr. Thomas,

Resolved, That there be printed for the use of the House, three hundred copies of the Rules and Orders of the House of Representatives, as adopted, including the amendment thereto.

Mr. Mellett offered the following resolution :

Resolved, That the doorkeeper of this House be allowed six assistants.

Mr. Huffstetter offered the following amendment :

Strike out from the resolving clause and insert, that the principal and assistant doorkeeper, each be allowed one assistant.

Mr. Newcomb offered the following amendment to the amendment :

That the doorkeeper of this House be allowed to employ four assistants, if he deem them necessary.

Which amendment was adopted.

The question recurring upon the adoption of the amendment to the resolution,

The same was adopted.

The question then recurring upon the resolution as amended,

The resolution was adopted.

On motion by Mr. Meredith,

The House adjourned till to-morrow morning at 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
January 5th, 1855. }

The House met pursuant to adjournment.

The Journal of yesterday was read and adopted.

Mr. John Hunt, a Representative from Madison county, appeared, produced his credentials, was sworn into office by the Speaker, and took his seat.

Message from the Senate.

The following message was received from the Senate, by Mr. Newland, Assistant Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following resolution:

Resolved, That the Joint Rules, which were in force for the government of the General Assembly at its last session, be adopted by the Senate, as the Rules of joint action for the present session, and the House of Representatives be informed of the adoption by the Senate of said joint rules, and their concurrence requested therein.

Mr. Buskirk moved to reciprocate the resolution of the Senate. Which motion prevailed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hillyer offered the following resolution:

Resolved, That the House will, the Senate concurring, go into the election of United States Senator on Tuesday next.

Mr. Hardin moved to strike out the word Tuesday, and insert Monday a week.

Mr. Huffstetter moved to lay the resolution upon the table. Which motion prevailed.

Mr. Cotton offered the following resolution:

Resolved, That the reporters for all newspapers who may desire it, be permitted to occupy seats on the floor of this House, and within the bar, for the purpose of reporting the proceedings of this body.

The resolution was adopted.

Mr. Logan offered the following resolution:

Resolved, That the principal Doorkeeper of this House shall act as Sergeant-at-Arms for the same, during the present session.

Mr. Newcomb moved to insert at the close of the resolution, the words, "without any additional *per diem*."

Which amendment was adopted.

The question recurring upon the resolution as amended, It was adopted.

Mr. Earl offered the following:

Resolved, That the Doorkeeper be instructed to subscribe for and procure, to be laid upon the desk of each member of this House, three copies of the "Daily Journal" and three copies of the "Daily Sentinel,"—two of which copies respectively shall be enveloped and a postage stamp upon each. Also one copy of each of the following papers, to-wit: The "Indiana Republican," "Locomotive," and "Temperance Union."

Mr. Humphreys moved to amend as follows:

By adding "three copies of the "Volksblatt."

Mr. Mellett offered to amend as follows:

Insert after the word Sentinel, "and three copies of the Indiana Republican."

Mr. Hardin moved to refer the resolution to a select committee.

The motion was agreed to.

Messrs. Hardin, Earl, Mellett, Newcomb and Humphreys were appointed as the committee.

Mr. Meredith made the following report from the committee appointed to wait on Rev. John L. Smith:

MR. SPEAKER :

The committee to wait upon the Rev. J. L. Smith and procure his attendance in the Hall of the House, for the purpose of opening the present session of the General Assembly with prayer, have performed that duty and were informed that he will attend for that purpose *instantly*.

On motion by Mr. Buchanan,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, for the purpose of opening the present session of the General Assembly with prayer, and that seats be provided on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate of the adoption of said resolution.

The Senate came in and took their seats,

When,

The Rev. John L. Smith addressed the Throne of Grace by Prayer, after which the Senate retired to their chamber.

On motion by Mr. Weir,

Resolved, That the Door-keeper of the House be required to furnish each member of the House a copy of the Acts of 1853.

Mr. Hervey offered the following resolution :

Resolved, That the Clerk and Assistant Clerk be allowed as many assistants as are essential to the speedy and efficient discharge of their duties.

Which resolution was not adopted.

Mr. Murray offered the following :

Resolved, That the Door-keeper be instructed to procure an additional number of settees for the use of the House.

Mr. Shryock offered to amend by adding " a sufficient number of spittoons."

Which amendment was agreed to.

The question recurring upon the resolution as amended,
It was adopted.

Mr. Murray offered the following resolution :

Resolved, That the Principal and Assistant Clerks of this House be each authorized to employ two additional assistants.

Which resolution was not adopted.

On motion by Mr. Tackett,

Resolved, That the Door-keeper be instructed to report to the House the names of the Assistant Door-keepers employed by him.

Mr. Hardin moved to adjourn till 2 o'clock P. M.

Which motion did not prevail.

Mr. Murray moved to take from the table the resolution presented on yesterday as to the amendment of the 8th rule of the House by the appointment of a standing committee on temperance.

Which motion was agreed to.

The resolution was then adopted.

Mr. Hardin moved to take from the table the resolution presented on yesterday as to the amendment of the 8th rule of the House by the appointment of a committee on county and township business.

Which motion prevailed.

On motion,

Mr. Hardin withdrew the resolution, and offered the following substitute :

Resolved, That an additional committee be added to the Standing Committees of the House, on county and township business ;

Which was adopted.

On motion,

The House adjourned till 2 o'clock P. M.

2 o'clock P. M.

House met.

On motion by Mr. Huffstetter,

Resolved, That the Senate be invited to attend in the Hall of the House *instantly*, to receive the annual communication of his Excellency, the Governor, and that seats be provided on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate of the adoption of said resolution.

On motion by Mr. Humphreys,

Leave of absence was given to Mr. King, of Johnson county, and Mr. Hester, of Brown county.

On motion by Mr. Murray,

Resolved, That the principal and assistant Clerks of this House, be authorized to employ as many assistants as they may require to execute the duties of their offices; and that they report the names of all such employees from time to time, and the duties they have to perform.

The Senate then came in and took their seats, after which His Excellency the Governor, delivered the following message in the presence of both Houses:

MESSAGE.

Gentlemen of the Senate,

and of the House of Representatives:

Assembled for the first time under our biennial system of Legislation, we find causes for mutual congratulation, in the favorable circumstances by which we are surrounded.

During the past two years, the people of Indiana have enjoyed the inestimable blessings of peace, and of civil and religious liberty.

Although, in the course of the year through which we have just passed, some portions of our State have been visited by a fatal epidemic, and, although, in some districts, the earth failed to yield its usual bountiful returns, to reward the labors of the husbandmen; yet, general health now prevails among our large population; and the cultivators of the soil have gathered the fruits of the earth, in quantities sufficient to meet the demands of the home market, and to furnish a large surplus for exportation.

Notwithstanding the temporary presence of financial embarrassments, which, unfortunately, press around the commercial and manufacturing interests of the country, our great agricultural interests is in a prosperous condition; the farmer finds a ready market and good prices for his surplus products; the laborer receives a fair remuneration for his toil; the State holds a position of great and increasing power among her sisters of the Union; and the strong, steady, and impartial protection of our laws extends over all the inhabitants within our borders. In such circumstances, it becomes our duty, as a grateful people, to offer our thanks to Almighty God, and to acknowledge our obligations to Him, for the innumerable blessings that we enjoy.

In compliance with that clause of the Constitution which requires that your chief executive officer "shall from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient." I invite your attention to several subjects, each of which will, no doubt, receive from you, before the termination of the present session of the General Assembly, all the consideration that its importance demands.

Among the subjects of legislative consideration, the financial condition of the State demands your special attention. It is to your action alone, that the people must look for the protection of their credit, the pre-ervation of their faith, and an exemption from unnecessary burdens.

It affords me pleasure to be able to say that the fiscal affairs of the State are still improving. Economy has been observed in the public expenditures; and while the interest on the public debt has been promptly paid, the reduction of the principal has not been neglected.

The amount of the ordinary expenses of the State government, as audited, and paid by the Treasurer, for the year ending October 31, 1854, is \$54,261 44—which is \$49,668 44 less than the amount paid for the year ending October 31, 1853. This sum as the ordinary expenses of a government composed of a million and a quarter of inhabitants, will compare very favorably with the ordinary annual expenditures of any State in the Union—it being, *per capita* four and one-third cents for each individual.

The ordinary annual expenses of the State government, from October 31, 1844, to October 31, 1854, inclusive, have been as follows:

For the year ending October 31, 1844.....	\$93 368 73
For the year ending October 31, 1845.....	74,855 28
For the year ending October 31, 1846.....	69,136 59
For the year ending October 31, 1847.....	90,709 67
For the year ending October 31, 1848.....	79,267 48
For the year ending October 31, 1849.....	73,881 47
For the year ending October 31, 1850.....	73,615 10
For the year ending October 31, 1851.....	71,810 36
For the year ending October 31, 1852.....	160,312 68
For the year ending October 31, 1853.....	103,929 88
For the year ending October 31, 1854.....	54,261 44

Making a total of..... \$945,198 68

The amount of the value of taxable property has increased, during the same period, as follows:

Amount in 1844	\$116,237,965
Amount in 1845.....	118,870,251
Amount in 1846.....	122,265,686
Amount in 1847.....	124,610,441
Amount in 1848.....	128,960,986
Amount in 1849.....	133,419,056
Amount in 1850.....	138,262,085
Amount in 1851.....	210,973,643
Amount in 1852.....	218,563,809
Amount in 1853.....	266,097,614
Amount in 1854.....	290,418,148
Making an increase during this period of.....	\$174,180,183

The amounts paid during the same period, on account of the principal and interest of Treasury Scrip, and interest on the public debt are as follows:

	Principal and Interest of Scrip.	Interest on State Debt
1844.....	\$399,975 26	\$28,587 30
1845.....	214,277 41	6,278 10
1846.....	270,393 31	10,290 15
1847.....	305,535 73	82,880 00
1848.....	196,736 18	182,160 00
1849.....	195,366 05	188,210 00
1850.....	203,995 78	193,470 00
1851	203,108 86	198,011 00
1852.....	136,703 70	198,040 00
1853.....	129,598 59	252,230 85
1854.....	19,015 03	298,255 62
January Interest 1855.....		160,000 00
Totals	\$2,274,705 90	\$1,798,412 92

The expenditures on account of the three Benevolent Institutions, during the same period were as follows:

1844.....	\$1,168 75
1845.....	2,797 87
1846.....	13,623 09
1847.....	44,813 16
1848.....	37,016 73
1849.....	61,847 89
1850.....	73,762 34
1851.....	73,933 81
1852.....	105,070 21
1853.....	158,872 31
1854.....	120,597 15
Total.....	\$693,503 31

On the first day of November, 1854, the State debt of Indiana amounted to \$7,031,003 50. Of this sum the State has liquidated the amount of \$227,864 50, leaving, of the public debt, the sum of \$6,803,139, of which sum \$1,763,139 is bearing two and a half per cent. interest, and the balance, to-wit, \$5,040,000, is bearing five per cent. interest. The aforesaid sum of \$227,864 50 having been paid by the State, under the act of the General Assembly creating the Sinking Fund, these stocks remain on the books of the Agency, the interest credited and applied annually to the reduction of the principal of the public debt. Hence, so far as the interest is concerned, the stock belonging to the State is still considered outstanding.

Satisfactory evidences of the strength of the financial resources of the State may be seen in what we have accomplished in the last ten years. During this period, without estimating what are called the ordinary expenses of the State, there have been, by taxation, levied, collected, and applied, the following sums, namely:

For the redemption of principal and interest of scrip,.....	\$2,274,605 90
Interest on the public debt, including the payment of the interest for January, 1855,	1,798,412 92
Payment upon the principal of the public debt,	227,864 50
Payments to the three Benevolent Institutions,	693,503 31
Expenditures on the State Prison, including expenses connected with the removal of prisoners,.....	71,412 87
Making.....	\$5,066,899 60

If to this we add the ordinary expenses of the State government for the same period, amounting to \$945,198 68, we have the sum of \$6,011,098 18, equal to about eight-ninths of the present State debt, raised from our people by taxation, at a rate exceeding \$600,000 annually; five-sixths of which amount has been annually applied to the payment of interest and to other objects not included among the ordinary expenses of the State.

The exhibit here made of the amount already liquidated of the public debt, fully corroborates the estimates made in my annual communication of 1850, which looked to its final discharge in 1871.

No intricate machinery has been required for this purpose, but simply an application of the surplus means in the Treasury, to the purchase of the debt. And I deem it an imperative duty, while prosperity is all around us, and our other burdens are light to urge upon you the continuance of this policy, and to make an annual levy of not less than five cents upon the one hundred dollars, to be appropriated exclusively for this purpose. With the application of these means, and such other as may be at our command, the last dollar of our public debt will be discharged in 1868. Then will be realized the consummation at which we have so long aimed, when the public stocks of Indiana shall no longer be displayed in market to tempt the cupidity of the sharper, but free from debt, with light taxes, an economical administration, our commerce, our agriculture, our manufactures, the pride and strength of our people, Indiana shall truly be the envy and admiration of her sisters of the Union.

Before the next session of the General Assembly, the charter of the State Bank will expire; and, therefore, it devolves on the present Legislature to make some disposition of the interest that the State holds in that Institution. It is wisely provided by the constitution that, hereafter, the State shall not be a stockholder in any bank, nor lend her credit to any corporation. With the object of carrying out this principle, and keeping in view the interests which the State holds in the bank, consisting of stocks, sinking fund, surplus revenue, real estate and other assets, I recommend the appointment of a board of Commissioners with full authority to make a settlement of the affairs of the State and the bank, on the expiration of the charter.

The State is liable for the bonds originally issued for the capital stock, upon which the bank has promptly paid the interest, and the stock, at this time, commands a premium.

The whole legislation of the State, as well as the letter and the spirit of the constitution, declares the expediency of a separation of the interests of the State from all corporations. I concur, fully, with the Auditor of State in his views as to the propriety of the future investment of the sinking fund in the bonds of the State.

The law upon the subject of general banking, has failed to accomplish the purpose for which it was enacted. It has not furnished, for the use of the people, a sound circulating medium. The experi-

ence of the two past years fully establishes the correctness of my remarks addressed to the last General Assembly on the subject of banking: and I may adopt, in its fullest meaning, the sentiment then expressed, "that past events have clearly shown that the restrictions provided by the law are insufficient to prevent abuses of the privileges granted."

It is a matter of regret that this subject did not engage the attention of the General Assembly at its last session. I again urge upon your consideration, the views expressed on this question at that time.

The country having over-traded, a necessary demand for exchange to meet Eastern liabilities, was created. This state of affairs caused the broker to seek for gold; and, in pursuing this object, he placed himself in the position of the merchant or business man, and was fulfilling one of those vocations not uncommon in such conditions of the country. It was a fortunate circumstance that the broker came early. We had, in less than six months, issued more than six millions of currency—an amount not required for the maintenance of a healthy condition in our monetary affairs; and if the broker had delayed his visit for a year longer, a greatly increased amount of paper circulation would have resulted in greatly increased pecuniary losses to the people.

The practical operation of the law in many instances, has been that the individual has not sought to locate and commence the business of banking to accommodate the commercial community, but to borrow money for himself under the sanction of the law. Men without capital or with barely credit sufficient to borrow a few thousand dollars of stocks, have been furnished facilities under the law, to become bankers to the extent of millions. With the currency procured upon the first deposit of stocks, other securities have been purchased and other notes procured, and thus a large circulation has been created without a dollar of actual capital.

Directors and bank presidents are now issuing this depreciated currency over their own counters without any effort, or, it is believed, intention ever to redeem it. With this currency they purchase bills payable East, and the farmer instead of getting an equivalent for his products, is paid in a circulation which he cannot dispose of without sacrifice, nor retain in his possession without danger. Instances are not wanting where the proprietors of banks, after suffering their institutions to suspend, have themselves embarked in the business of buying up their own paper at a heavy discount, and thus plundering the laborer of his hard earnings. You will be wanting in your duty to an outraged people if you fail to adopt prompt measures to suppress this practice, which is not only unjust and disreputable, but subversive of public morals.

The indispensable duty of protecting the people of the State from the evils of a depreciated paper currency, requires that no special indulgence should, under any circumstances, be granted to any banking institution that neglects or refuses to redeem its issues in coin. Any

bank refusing to redeem its circulation with the constitutional currency of the country should be immediately wound up. No state of facts should be allowed to justify any delay in closing the business of such a bank. Every hour's delay affords to the broker and the speculator, a harvest—yielding as the delay continues, richer and more abundant fruits; and always at the expense of the laborers and the business men of the country.

The law itself is not only glaringly defective, but the construction given to it, and consequently the practice under it. It was evidently contemplated by its framers that no bank should be established with a capital of less than fifty thousand dollars, that it should have a convenient and accessible place of doing business, that it should redeem its issues promptly on demand, and that its proprietors should be at least men of pecuniary ability, and that it should embark in no other than a legitimate bona fide banking business. And yet in how few instances have these requisites been complied with.

Under the 12th and 28th sections of the law it was undoubtedly competent for the Auditor to wind up any bank not doing business at the place where its bills were payable. To give more efficiency to this provision, and to make the duty imperative upon that officer, I called the attention of the Legislature to the subject in my last annual communication, but having failed to procure the required legislation, I renew my recommendations on this point.

The great error in the law, is, that the entire responsibility of the system is placed in the hands of a single individual, and he an officer of the State already charged with duties and trusts of the most important character. This single individual determines upon the validity of the organization, the character and value of the stocks, issues the circulation, holds the securities, passes upon the correctness of the reports, delivers powers of attorney for the collection of interest, and in short settles all questions connected with the banks according to his own unaided judgment. With a bond of only \$10,000 he is the custodian of near \$10,000,000 of the public securities.

If it be the design of the Legislature to continue this system, it will, in my judgment, be necessary, in order to secure the confidence of the people, and to protect their interests, to provide for the organization of a Bank Department with a Board of Bank Commissioners, with full powers to determine upon the locality of the bank, the necessity for its creation, the solvency of the securities offered, and who should, also, be charged with their custody.

I also recommend, that, inasmuch as the term of the present incumbent is about to close, a committee of the two Houses be appointed to investigate fully the condition of all matters pertaining to the banks connected with the office of the Auditor of State. A full report will doubtless do much to allay the apprehensions of the public, and establish confidence wherever merited.

The valuable and interesting report of that officer will present you in detail the operations of the Free Banking system in his hands.

It will doubtless be the policy of the legislature to provide for the immediate closing, and withdrawal from circulation of the paper, of all such institutions as persist in the violation of the palpable provisions of law. In doing so, due regard should be had both to the interests of the people, and of the banker, so as to prevent undue excitement and apprehensions on the one hand, and loss and insolvency on the other. A contrary policy might involve the solvent with the insolvent, the upright man of business with the dishonest and corrupt.

With the state of things we have had for the last year it was not possible to avoid revulsions and monetary excitements.

The circulation of the State Bank in October, 1853,	
was	\$3,834,765 50
Circulation in October, 1854,.....	2,803,648 00
Decrease.....	\$1,031,117 50
The Stock Bank circulation July 1st, 1854,.....	\$9,249,575 00
Circulation January 1st, 1855,.....	5,565,099 00
Estimated amount in hands of bankers not in circulation,	1,000,000 00
Decrease in six months.....	\$4,734,475 00
The precise amount surrendered at the Auditor's office up to the 1st day of January, 1855, is.....	\$3,731,475 00

Here we have a withdrawal from circulation in twelve months, and the greater part in four months, of \$5,666,123 00, or more than one-half of all the circulation called money in the State. More than three millions of this circulation is depreciated; its value being at the mercy of the broker and speculator. The same facts, in regard to the decrease of the currency, are true, although perhaps in less proportions in the adjoining States with which we have commercial intercourse. How can any people have stability under this state of monetary affairs?

We shall always have revulsions, expansions, contractions, and derangement in the whole business of the country, so long as we foster any system that makes promises to pay money, instead of gold and silver. If the inferior circulation were this day withdrawn, I have no doubt we should find a sufficient amount of the constitutional currency among our people for all ordinary business purposes.

We have not only a depreciated currency, issued under the authority of law, but we have a depreciated currency, issued by rail road, plank road, and insurance companies, without the authority of law. Thousands of dollars of this latter kind of depreciated paper have been thrown into circulation, and left to represent an uncertain and variable value in the ordinary transactions of business. The credit of the State, and the interests of the people, demand an abatement of this evil.

No subject of legislation is calculated to awaken more pleasing anticipations for the future than our system of popular education. Indiana, under the auspices of her new Constitution, has, upon the subject of education, adopted a policy that has commanded the admiration of some of the older States of the Union. Let us, by the most judicious course of legislation, prevent a retrograde movement on the part of the State, with respect to this very important interest.

The recent decisions of the Supreme Court, on the constitutionality of the consolidation of the avails of the school sections, and on the township tax for school purposes, while they have settled those questions in a manner satisfactory to the parties that raised them, do not, in the least degree, disturb the broad basis on which our system of public instruction rests.

It will be a task worthy of the exercise of your legislative wisdom, to correct, by some means within the scope of your legitimate powers, the inequalities caused by the first decision, in the annual avails of the local funds. In the distribution of the general fund raised by the school tax, it is believed that the desired results may be obtained as readily as they could have been accomplished had the decision been otherwise.

The second decision, as I understand its import and application, confines the power and limits the responsibility of raising funds, for purposes of adequate and general public instruction, to the Legislature alone. The restricting of the exercise of this power, and the limiting of its responsibilities to the General Assembly, will produce the uniformity contemplated by the constitution. It is not believed, however, that the Supreme Court, in deciding the unconstitutionality of the township tax, intended to declare that the people of the several townships are, by the constitution, deprived of the right of taxation for the purposes of building school houses, and furnishing apparatus, furniture, and fuel for the use of the public schools. They mean, by the construction that they place upon the word "uniformity," as it appears in the constitution, to convey the idea that the tax levied for purposes of education, and to be applied in the payment of teachers, must be levied by the Legislature. If, however, they intend to apply the principal of the decision to all the details of the municipal regulations of the school affairs of townships and towns, the interests of education imperiously demand an early amendment to the constitution. In order to secure efficiency in the operations of any system of public instruction, the action of the people, in township and in district organizations, is indispensably necessary.

I cannot, for a moment, suppose that corporate towns and cities may be invested, constitutionally with the powers necessary to manage their municipal affairs, according to their peculiar circumstances, in every department of local interest, excepting only that most important of all interests, the education of youth. It would be a ruinous policy to make an exception so fatal to all prospects of

efficient action on the part of one of the most essential elements of human progress.

It is gratifying to know that, where the school law has been carried into effect, according to its obvious import, under the control of efficient officers, and without the disturbing influence of legal questions, its action has been happy and harmonious; and warrants the expectation that, with slight amendments, not affecting its vital principles, but merely correcting some oversights and supplying some deficiencies, it will remain among our statutes, an exponent of the wisdom of its framers, and a blessing and an honor to the State.

The signs of our educational progress may be seen in the increasing number of graded schools—some of established reputation, and others aspiring to that position—and in large, commodious, and costly edifices that have been erected for purposes of education, in various parts of the State. The building of numerous school houses, and the increasing demand for competent teachers, are additional evidences of the favor with which the people regard our educational interests. The recent organization of a Teachers' Institute, and the later organization of a State Teachers' Association, with its associated lectures, I hail as omens of good; and predict that beneficial and far-reaching influences will flow out from these institutions.

During the past two years, the steady increase of the number of students in our several Colleges, and the manifestations on the part of those who have charge of these Institutions, of an active sympathy with all the educational movements of the State, have afforded additional and gratifying evidences of the sound state of popular opinion on the subject of education.

It is the duty of the State to extend to all the general educational enterprises of her citizens, the countenance and encouragement of a liberal policy; and, in the maintenance of such a policy, to exempt from taxation at least those funds that have been bestowed by private munificence, for the moral and intellectual training of the youth of the State.

The affairs of the State University, at Bloomington, require some prompt and decisive action on the part of the General Assembly. In the early part of the year 1854, the main college building, and the very valuable Library that it contained, were destroyed by fire. The Trustees immediately adopted energetic and economical means to repair the damages; and a new and commodious edifice, designed for the principal department of the University, is now nearly completed.

You are aware that, for some years the affairs of this Institution have been embarrassed by the progress of a law suit, which involved about sixty thousand dollars of its funds, and which grew out of a controversy between the State and the Vincennes University. The suit has been decided against the State; but no decision has been made in any controversy wherein the State University was a party,

and it is believed the judgment of the Court cannot, without further legislative action, be carried into effect by any transfer of the funds in question, to the Vincennes University.

Having no doubt of the power of the State to adjust this difficulty, (in which the rights and liabilities of the parties arose under the old constitution,) by any means at her command, or on time, I earnestly recommend the adoption of measures for the early settlement of this controversy, in some way that will not deprive the State University of its present resources. The suit, to which reference has been made, was instituted under the authority of an act of the Legislature; and, whatever opinions may be entertained as to the results of future litigation on the part of the State University, the interests of the people of the State, of the Institution, and of the community in which it is located, require an early and final settlement of the question.

A statement of the condition of the funds of the State University will be placed before you, in the report of the Trustees. These officers, in the course of the past year, obtained a loan of six thousand dollars from the Sinking Fund; and they should be invested with authority to mortgage a part of the college lands to secure the payment of this loan. The whole subject of the sale of the lands granted by Congress and amounting to about twenty-four thousand acres, is respectfully submitted for the consideration and action of the General Assembly.

In the late revision of the Statutes of Indiana, the laws on the subject of the profanation of the Sabbath, were, it seems, unintentionally overlooked, and annulled by general repealing clauses. The observance of this day, as a day of rest from the common secular concerns of life, is not only a religious duty, but it is a political and social interest, which no enlightened people may disregard with impunity. From the past, and from the present, many sad examples rise up before us, to warn us of the inevitable decline of strength and virtue, and prosperity, in nations and States where the Legislators and the people have looked with indifference on the profanation of the Sabbath.

With respect to this subject, the present General Assembly will, doubtless take into consideration the propriety of re-enacting those laws which up to a recent period, and through all changes, have stood among our Statutes since the foundation of the State Government.

The law of 1853, on the subject of the traffic in intoxicating liquors, has been rendered inoperative by a decision of the Supreme Court of this State; and an unusual degree of excitement has prevailed among the people, in relation to the laws that should be passed by the General Assembly, for the purpose of restraining the desolating evils of intemperance. The necessity of restraining these evils by the force of law, has been acknowledged by our legislation, from the organization of the Government to the present time; and in the course of the past year, this subject, involving the happiness

and prosperity of our race, and rising far above all party considerations, was forced in some measure, to assume the nature of a political issue.

Some of the best citizens of the State entertain serious doubts, not only as to constitutionality, but as to the expediency of adopting stringent legal means for the suppression of intemperance; and it is neither prudent nor just to assume from this fact, that such men are among the foes of temperance. All experience shows that very stringent penal laws against privileges and habits long indulged in, are calculated to produce a re-action in public sentiment.

We have, in our State, some counties, in which, even under our defective laws, not a solitary dram-shop is to be found, and in which, no person could find a support as a retailer of spirituous liquors to be drank as a beverage. Here, then, are examples of the prevalence of a sound public opinion in communities where agitation, discussion, and moral influence have effected a reformation, and where the people now require only sound legislation to protect them in the enjoyment of their happy condition.

The legislative department of the Government is, unquestionably, vested with the right to prohibit the manufacture and sale of ardent spirits as a beverage; but, in framing a law for this purpose, great care should be observed, in order to protect from violation and from annoyance, the constitutional rights of every law-abiding citizen, in the security and sanctity of his own home.

The evils of intemperance are so numerous, so great, and so destructive, that all good men will rejoice to see them abated. No estimate of the loss of business, the loss of dollars and cents to the manufacturer or retailer, or the loss of trade and commerce to the State, should for a moment rise into importance, in contrast with those terrible realities of poverty, sorrow, wretchedness, moral degradation and crime which darken our land, and fill our alms-houses, hospitals and penitentiaries. Benevolence and public policy alike require a suppression of the evils of intemperance; and if the wails of the widow and the fatherless fail to reach our hearts, and urge us to apply a remedy, considerations of economy in the administration of the law should not be disregarded.

It has always seemed to me, that the individual who sells intoxicating liquors in violation of law, and the person who becomes a drunkard by the habitual use of such liquors, are both guilty. A drunkard should, by law, be disqualified for the making of contracts, or the management of property, thereby protecting his family from the designs of the cunning and cruel, in the waste and destruction of his estate. We shall fail in our duty unless we throw the strong arm of the law around the wife and children of the inebriate.

No one can doubt that there is a strong public sentiment in Indiana in favor of a change in our laws upon this subject; and it is the duty of the people's servants to carry out that sentiment. It will give me pleasure to co-operate with the Representatives of the peo-

ple, in the adoption of any constitutional measure, that may be calculated to remove this acknowledged evil from the State.

The Reports of the Trustees of the Benevolent Institutions exhibit the condition and management of these monuments of the benevolence of Indiana. The people willingly pay their taxes to sustain these Institutions. It is, however, essentially necessary to provide additional checks in the expenditure of the public money raised for their support. Their cost per year, amounts to more than the sum paid annually on account of the ordinary expenses of the State government. As they are now placed upon the Treasury proper, to be sustained by direct appropriations, it is hoped that the necessity of borrowing money to support them, will not again arise.

I recommend that the management of the affairs of the three Benevolent Institutions, be placed under the control of one set of Trustees, not exceeding five in number; and that the law which governs the expenditures of the Deaf and Dumb Asylum, be extended over the other Institutions.

At this time, while financial embarrassments are affecting some of the commercial and manufacturing interests of the country, it is gratifying to observe that there are evidences of industry, prosperity and improvement, among the farmers and mechanics of the State. All classes of our laboring population are turning their attention, as members of various industrial associations, to the consideration of the best means of promoting the interests of their several pursuits. Under the authority of the Act of the General Assembly, approved February 17, 1852, about sixty Agricultural Associations have been established in Indiana, and a very large portion of this number held interesting and profitable fairs, in the fall of the year 1854. I suggest that the law under which agricultural societies are organized, be so amended that these associations shall be invested with the right to hold real estate, for purposes connected with the holding of their annual fairs. Many of the societies have purchased valuable grounds, on which they are making permanent improvements.

The State Board of Agriculture is now in session, with a full delegation from various parts of the State. By the operations of this Board during the past year, more than four thousand volumes on agricultural subjects have been distributed among the people of the State. These volumes contain not only valuable information, derived from the experience of some of the best farmers of Indiana, but also many useful and interesting facts in relation to the agricultural experience of the most distinguished farmers of other States of the Union.

It is the duty of those who represent the people in the General Assembly, to aid and encourage the efforts of the State Board of Agriculture and its auxiliary societies. By stimulating labor, by rewarding industry and skill, by encouraging the useful arts, and by diffusing, in various ways, useful and practical knowledge, these associations have exerted a most beneficial influence in promoting

the agricultural interest, and in increasing the amount and value of the products of our home industry.

I recommend that you appropriate the sum of three thousand dollars for the permanent inclosing of the military grounds at the Capital. This sum, in addition to that which will be furnished by the citizens of Indianapolis and the agricultural society of Marion county, will be sufficient to provide suitable grounds for the periodical display of the most valuable stock of the State, and for the exhibition of the labor and skill of our mechanics and manufacturers.

The correspondence on the subject of acquiring territory in Liberia, for the colonization of our colored population, will be found in the reports of the colonization agent. From this correspondence, it appears that the contemplated quantity of land cannot be acquired in a body. The object in view may, however, be accomplished by such a modification of the law as shall authorize the selections of lands, in smaller quantities, for families and individuals who may emigrate from Indiana to Liberia. The expediency of making such a modification of the law, is worthy of your consideration.

Since the passage of the law authorizing a State organization for the purpose of aiding the cause of African colonization, forty-eight persons have been sent from Indiana to Liberia. A majority of these emigrants were good mechanics, industrious and intelligent men, and well qualified to exert a good influence in that infant republic.

Time has demonstrated that the scheme of African colonization is practicable, and no enterprise of the age holds out greater promise of good to the colored race. Within the last twenty years, through the influence of the Liberian government, the principles of christian civilization and civil liberty have accomplished more, among the twenty-five million of that portion of Africa, than had been achieved by the efforts of philanthropists in the course of many preceding centuries. The colored man, in his native land, has established a republic, built towns and cities, founded churches and schools, and adopted a policy calculated to encourage agriculture, mechanics, manufactures, and other industrial pursuits. We must look to this land for the elevation of the African, for the separation of the white and colored races, and for the removal or mitigation of a great source of evil. I recommend that you continue the annual appropriation for the cause of colonization, and that your voice be heard in the national councils, asking for the recognition of the independence of the Republic of Liberia.

In former messages, my views in relation to the necessity of making provisions, by law, for a thorough geological and topographical survey of the State, and in reference to the importance of creating a Bureau of Statistics in one of the departments of State, have been laid before the Legislature. Again, earnestly, I invite your attention to these subjects.

In the early part of the year 1854, the State Board of Agriculture, at an expense of five hundred dollars, employed Dr. Brown to

make a cursory geological examination of the State, and to publish the results of his labors in the third annual report of the Board. In that report, which has been placed on your tables, you will find much valuable information on the subject of our undeveloped agricultural and manufacturing resources. We have neglected these interests too long, and the present is a favorable time to correct this error of our home policy. Europe is now convulsed with a contest, the end of which cannot be foreseen, but which will, while it lasts, continue to disturb the commercial and manufacturing interests of the world. While we cannot be indifferent spectators of this terrible conflict among the nations of Europe, we should be admonished of the necessity of cultivating the arts of peace, and of developing those boundless resources of wealth that a bountiful Providence has scattered broadcast over our land. Without depending upon the fluctuating and uncertain influences of national legislation, it is our duty to strengthen and encourage the arms of enterprise and industry, by the strong force of a wise and steady State policy.

With a coal field of seven thousand square miles in extent—with inexhaustible beds of iron ore—with a soil of unfailing fertility—with a central position between the east and the west—and with railroads traversing the State in all directions—Indiana, if true to her own interests, may, within the course of the next ten years, double the present amount of her wealth and population.

If we desire to bring into our State a portion of the now hoarded capital of Europe and the east, we must be able to point with certainty to the places at which it can be profitably invested. To enable us to do this, we want reliable facts, such as the actual investigations of scientific men only can furnish. The expenditure of a few thousand dollars, if authorized by the Legislature, will secure to us the advantages of a thorough geological and topographical survey of the State. While our sister States, by the aid of science, are unfolding their agricultural and mineral wealth, we are trusting these great interests to chance and to individual enterprise.

In view of the facts, that there are in Indiana twenty-five hundred miles of railroads, either now in running order, or approaching a state of completion—that the affairs of some of these roads are controlled by the interests of citizens of other States—that our railroads furnish employment to thousands of hands—and that the policy of these corporations exercises an important influence on the trade and commerce of our State, and on the character of the citizens—it becomes the duty of the Legislature, not only to adopt efficient measures for the prevention of unauthorized and unjust exactions upon the traveling public, but to provide, as far as human foresight can provide, and by any means within the scope of legislative authority, for the prevention of those railroad accidents which so frequently result in the destruction of property and the loss of human life.

Many of the common railroad accidents of the day, which are caused by unsubstantial temporary bridges, defective locomotives,

badly constructed railways, improper signals, and carelessness on the part of employees, might be avoided, by subjecting the conduct of railroad companies to the scrutiny of officers deriving their authority from the Legislature. You are therefore invited to take into consideration the expediency of providing for the appointment of General Railroad Commissioners, who shall be practical and scientific men, and who shall be invested with power to visit the different roads, enquire into and report abuses, and require compliance with the provisions of law. The companies having charge of roads that connect with roads in other States adjoining, should be required to keep, in this State, an office for the transaction of business.

It is confidently hoped that the present Legislature will, without authorizing any unreasonable interference with the affairs of railroad companies, provide, by the enactment of suitable laws, for holding to the strictest accountability all persons entrusted with the management of these corporations.

An early consideration of the expediency of creating the office of Attorney General is pressed upon the attention of the General Assembly. With respect to this subject, the justness of the views contained in my annual communication of 1851 has been confirmed by the experience of the two past years. The amounts paid and the liabilities incurred by the State, for professional services, during that period, will exceed the sum of five thousand dollars. Constitutional questions that affect the revenues of the State, the common schools, the tenure of offices, &c., are continually arising in the courts, and yet there is, for the State, no legal adviser. Economical considerations clearly indicate the necessity of creating the office of Attorney General.

In the application of the principles of economy, in fixing the compensations of the officers of the State government, we should be careful to avoid a parsimonious policy. The salaries attached to our public offices should not be prodigally large; but they should be sufficiently remunerative to command, in the administration of the public affairs, the services of the most worthy and the most competent men. The very best and most wholesome laws may, in consequence of their incorrect interpretation, or improper administration, fail to accomplish the purposes for which they were made.

In order to secure strength, efficiency, and success in the administration of the public affairs, it is the duty and the interest of the State to provide for the payment of fair salaries to public officers. The present salaries of our Judges are not sufficient; and it is absolutely necessary to increase the compensation of these public servants, if we desire and expect to have, in this department, the services of men qualified to administer justice, and to command, for the judiciary, the confidence and respect of the people. These remarks are applicable to other public officers, and to the discharge of other official duties.

During the course of the years 1853 and 1854, the present efficient State Treasurer has received and distributed about three-quarters of

a million of public moneys, on account of swamp and wet lands. For the additional responsibilities and labors imposed on him in the discharge of these duties, the Legislature should allow a proper compensation.

Before the next meeting of the Legislature, the present lease of the State Prison will expire; and the duty devolves on you to decide whether the present system of selling out the crime of the State to the highest bidder, shall be continued or abandoned. The policy of making periodical sales of the management and labor of the criminals that the State may have in its custody, is highly objectionable. The Penitentiary of Indiana is as well kept, in conformity with the law that governs it, as any State Prison in the Union; but the system is essentially wrong, and unworthy of the State.

The State should have the entire control of the Prison, its discipline, its labor, and its internal regulations; and, as far as it may be practicable and expedient, a system of rewards for good conduct should be kept constantly before the view of each convict. Do not make the convict a slave without hope, if you expect to reform him; but let him know that the State regards him, even within the walls of a prison, as a man, in whose reformation and restoration to the rights of citizenship, she feels an interest.

In determining the question of the future management of the State Prison, the idea of making it profitable, in a pecuniary way, should be outweighed by a higher consideration—the duty of adopting the best means for the reformation of the convicts within its walls.

The constitution that you have sworn to support, declares that the General Assembly “shall provide houses of refuge for the correction and reformation of juvenile offenders.” Of two hundred and sixty-seven men in the State Prison, thirty-six are under twenty years of age; and more than one-half of the whole number are under twenty-five years of age. The youth of sixteen is found by the side of the old offender, and deprived of all associates other than those who are hardened in crime. All prisoners convicted of the first offence, and all youthful convicts, should be placed in situations where they would receive the kind advice of parents, guardians, or friends. By adopting this policy, our prisons will soon become houses of reformation, as well as places of punishment.

I communicate, herewith, the list of pardons, fines, and forfeitures, for the last two years, and suggest that they be published with this message; and, also, that you provide, by law, for the annual publication of similar lists.

Your attention is specially invited to the interesting Report of the late Visitor to the State Prison, to the Reports of the other officers, and to the views expressed in my former communications upon the subject of the management of this institution.

Early in 1853, appointments of Brigadier Generals were made, with the view of effecting an organization of the military strength of the State; and, at a court martial which was held in the month

of October, 1853, rules and regulations were adopted, which, it was believed, were at least sufficient to develop and secure that strength. Commissions have been issued in thousands; letters of instruction have been sent to the proper officers; and every effort has been made to carry the law into effect; yet not one Brigade enumeration has been perfected; and I hesitate not to express the opinion that no organization can be effected, unless the General Assembly gives to the proper authorities the power to impose penalties for the non-performance of official and militia duty.

Although our strength has increased four-fold since 1831, we are drawing our quota of arms from the General Government, upon our strength of that year. Many valuable suggestions are contained in the reports of the Adjutant General, which will be laid before you. The labor of this officer has been greatly increased, and he should receive additional compensation.

Many questions of vital interest to the State, are presented, for your consideration, in the Report of the Trustees of the Wabash and Erie Canal. The most of these have been alluded to in my former messages, to which your attention is invited. Since the last meeting of the Legislature, the Wabash and Erie Canal has been completed to the city of Evansville; thus forming the longest line of continuous artificial inland navigation on the globe. In the completion of this great work, we may find, taking into consideration the many embarrassing obstacles which have been thrown in its way, causes for mutual congratulation. It opens, for the extensive districts of fertile country lying upon its borders, a cheap means for the transportation of heavy articles of export and import; and, by affording the means of an easy passage to northern or southern market, it promotes, materially, the agricultural interest of the State, and imparts a stimulus to other branches of our home industry.

It is an unpleasant duty to call your attention to the fact, that, in a few instances, in some portions of the State, indications of the existence of a spirit of mob-law and violence have appeared. Secret associations, usurping the prerogatives of law, have, (by means of disturbing the peace of families, injuring property, and inflicting corporal punishment on individuals,) undertaken to regulate the morals of the communities in which such lawless combinations are permitted to exist. Civil officers, and peaceful citizens, fearful of incurring the dangerous hostility of members of these secret associations, allow their lawless acts to pass without punishment, and almost without public censure. The inevitable tendency of these secret associations is to corrupt the morals of the community, and to divest men of their respect for law and order,

In reference to this subject, it seems that some additional legislation is required, in order to insure prompt and efficient action on the part of the civil authorities. If, in cases of unlawful assemblages, riots, routs, affrays, &c., the Circuit Courts were invested with concurrent jurisdiction with the Courts of Common Pleas, and informants

were thus shielded by Grand Juries, the change would, perhaps, afford to society some additional protection against the violence of lawless men.

No state of facts can ever arise, in a government like ours, that should, for a moment, tolerate private citizens in the usurpation of the right either to redress their own real or imaginary wrongs, or to inflict injuries on the property or on the persons of their neighbors. Wherever such usurpations are tolerated and encouraged, the people are rapidly approaching a state of anarchy, in which laws can afford no protection to life, liberty, or property. It is, therefore, the solemn duty of every citizen of Indiana to aid in the preservation of the public peace, and in the maintenance of the supremacy of the laws. These interests must be preserved, and maintained, at all hazards.

The total amount of money arising from the sale of swamp lands, paid into the treasury, and in the hands of the receivers, is at the present time, about \$500,000. Of this sum, \$340,000 has been disbursed under the law authorizing the ditching and draining of the lands. In some portions of the State, the expenditure of the funds has produced good results; in other parts the money has been paid to officers, and nothing beneficial to wet lands has been accomplished.

The operations of the swamp land laws have confirmed the views expressed in my former communications to the Legislature. The correctness of the construction that has been placed, by officers of State, on these laws, as they relate to the mode of issuing patents, is, in my opinion, very doubtful. The subject demands your early attention. It is yet possible, by prudent legislation, to secure, for the common school fund, a considerable amount of the proceeds of the swamp lands. The very valuable Report of the Auditor of State will place before you the details of the management of this trust.

It is the duty of the present General Assembly, to fix by law, the number of Senators and Representatives that shall compose the Legislature, and to apportion such Senators and Representatives among the several counties, according to the number of white male inhabitants above twenty-one years of age, in each. In connection with this subject, your attention is invited to the suggestions that were contained in a previous message, in reference to a reduction of the present number of Senators. In the discharge of the duty first named, and in any action which, in your discretion you may deem proper, in respect to the suggestions concerning a reduction of the number of Senators, you will, no doubt, be controlled by an equitable regard for the interests of the citizens of all portions of the State.

It is your duty to establish all the guards and restrictions that may be necessary for the protection of the purity of the ballot box, and the security of the elective franchise. I suggest that you prohibit, under severe penalties, against the separation of all the officers of an election, until the ballots are counted, and the result of the poll is known and declared.

The attention of the Legislature is again called to the consideration of the subject of providing suitable buildings for the State offices

at the seat of government. The proceeds of the property owned by the State, and the additional aid that the General Government will, doubtless, furnish, will be sufficient to erect a substantial building on the "Governor's Circle," for the accommodation of the National and State officers, without imposing any tax on the State Treasury. The Capitol building should be appropriated only to the uses of the General Assembly, the Representatives of the people, and the State Library.

An appropriation should be made for the enclosing of the capitol grounds with an iron fence. This is rendered absolutely necessary, in order to preserve the building and the grounds.

The loss of some of our State Bonds by a late disaster at sea, suggests the propriety of providing by law, for the relief of the holders of bonds in similar cases. The law should be well guarded—requiring proof of loss, identification of numbers, dates, and amounts—and made applicable to all cases of loss or destruction of State bonds.

The Secretary of State of the United States has transmitted to the Executive department of this State, a copy of the details of a "Consular Convention between the United States and his Majesty, the Emperor of the French," concluded on the 23d day of February last. This document, and an accompanying circular that explains the object of the transmission, are herewith presented for your consideration.

The great inequality now existing in the appraised value of real estate, and the recent rapid progress of improvements demand, it seems to me, a re-appraisement of lands; and the expediency of causing a full and complete census of the State to be taken, for the year 1855, is also worthy of your consideration.

In accordance with the requirements of the resolution of the last General Assembly, authorizing an examination into "the stock affairs of the State, the loss of surrendered bonds, and the excess of scrip, the undersigned, in company with the Treasurer of State, visited the office of our Agency, at New York, in August, 1853. The missing bonds having been found a few days previously, were carefully counted, and are now in the office of the Treasurer of State.

The apparent discrepancy between the books of the Agent of State and those of the Auditor, as to the amount of bonds surrendered, was examined in order to correct this discrepancy, a complete copy of the books of the Agent of State was made, and carefully compared in every particular. This copy is now in the hands of the Auditor of State, who by reference to it, has corrected the supposed errors; and it is believed that the Report of the Auditor, based upon this examination, presents a correct view of the State debt.

It had been stated that Indiana had not received any part of the three per cent. fund due her, for lands sold at Chillicothe and Cincinnati; and in the course of the official visit to which I have referred, the officers before named, made an examination at the General Land Office, with respect to the amount and condition of

the three per cent. fund due the State from the General Government. I submit, herewith, a report, obtained from the General Land Office, showing the condition of this fund, up to the date of the report; and accompanying the report is a letter on the same subject, addressed to the Secretary of the Interior, under the date of November 10, 1853.

The subject of the excess of scrip has been carefully examined by two gentlemen under oath. Their report, which is herewith submitted, shows the amount redeemed and cancelled upon the books, by each Treasurer. The question of further action, in relation to this subject, is submitted to your consideration.

The first and second instalments due by virtue of the sale (in pursuance of an Act of the General Assembly, approved February 28, 1852,) of the interest the State had in the Madison and Indianapolis Railroad, have not been paid. A mortgage was taken upon the road and all its equipments, and duly recorded in the several counties through which the road passes. Upon the failure to pay the first instalment of seventy-five thousand dollars, due the first day of January, 1854, the claim was placed in the hands of able attorneys for collection. The report of the Trustee named in the mortgage, and the correspondence upon the subject, together with a communication from the President of the Company, will place before you the condition of this claim.

Many important questions, all of which will doubtless receive your careful consideration, have been raised under the operations of our new constitution and Revised Statutes, since the last session of the General Assembly. Among the subjects that will claim your attention, are the amendment of the law in relation to the compensation of Sheriffs for the removal of convicts to the State Prison—the expediency of investing Clerks of Courts with power to order the holding of elections for Justices of the Peace—the decision of the Supreme Court, on the subject of the amendment of Statutes—and the extent to which it will become your duty to revise the laws affected by that decision.

We cannot be indifferent spectators to the action of the General Government and to the political events of the day. The past year has been one of unusual political excitement; and, to the patriot, it must be a source of regret to perceive that this excitement has, in no small degree, evinced a dangerous spirit of sectionalism.

Indiana, as a State, has wisely selected her own domestic policy; and the people feel that they have the right, from time to time, to change or modify that policy. Satisfied with the degree of prosperity that we have attained under our own free institutions, we have uniformly respected the constitutional rights of each member of the confederacy; and no just cause of complaint against Indiana can be made by any State of the Union.

Whatever views may be entertained by others, it is my deliberate opinion that, at this day, the people of no State are more national in their political sympathies than are the citizens of Indiana. En-

joying the privilege of making our own laws, in our own way, on all subjects not prohibited by the constitution of the United States, we acknowledge the existence of a similar right in the people of every other State and Territory in the Union. I know of no other principle but this, upon which we can stand with safety and honor. It is the chief corner-stone on which, under God, the security and perpetuity of the Union rests. If we cannot maintain this position, there is no hope of peace and harmony in the future. Whenever we abandon this stand, we shall lend our influence in invoking that worst of all political calamities, a dissolution in feeling and sympathy of the members of this great confederacy—thus transforming moral and fraternal ties that bind us together, into mere galling and oppressive physical forces.

Our only hope of perpetuating our institutions in all their original vigor and purity, rests upon the adoption of that system of legislation that throws the several States and Territories of the Union more and more upon their own resources, and confines the action of the General Government within the limits defined by the constitution.

Ardently desiring to co-operate with you, in all that will advance the interests of our beloved commonwealth, and looking to that Being who, alone, is able to guide us in the paths of wisdom, you have my warmest aspirations, that all your proceedings, at this interesting and critical period in our history, may have a tendency to increase the strength and maintain the honor of our State, and promote the happiness and prosperity of the people.

JOSEPH A. WRIGHT.

The Senate then retired to their chamber.

The Speaker laid before the House the message and accompanying documents.

Mr. Tackett moved that the Governor's Message and the accompanying documents be referred to a committee of the whole House, and made the special order of the day for Tuesday next.

Mr. Buskirk offered the following amendment:

That five thousand five hundred copies of the Governor's Message be printed for the use of this House, three thousand of which shall be printed with the accompanying documents, and two thousand five hundred be printed without the accompanying documents, and that five hundred copies of those printed without the accompanying documents shall be printed under the direction and for the use of his Excellency, Joseph A. Wright.

Mr. Test moved to lay the amendment of Mr. Buskirk on the table,

Which motion did not prevail.

The question then recurring on the amendment of Mr. Buskirk, It was adopted.

Mr. Humphreys moved to amend the resolution by adding that two thousand copies be printed in the German language.

Mr. Landers moved to amend the amendment by inserting one thousand, in the place of two thousand.

Mr. Shull moved to lay the amendment offered by Mr. Landers on the table,

Which motion prevailed.

Mr. Frazier moved to lay the amendment of Mr. Humphreys on the table.

The question being put,

The ayes and noes were demanded by Messrs. Humphreys and Lowe.

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Dickerson, Dunn, Fouts, Frazier, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McMurry, Malick, Murray, Newcomb, Peckinpugh, Peden, Sidwell, Shryock, Smith of Lagrange, Tackett, Todd, Wood, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Alden, Beach, Cain, Coen, Cotton, Crozier, Davis, Ellis, Essex, Gilham, Gordon, Gwinn, Harden, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McCord, McClure, Martin, Mellett, Merrifield, Miller, Monks, Montgomery, Peyton, Sanford, Scoonover, Sims, Shanks, Shull, Smith of Perry, Stanton, Studabaker, Tanner, Test, Thomas, Trusler, Turner, Usry, Walpole, Weir, Williamson and Wilson—52.

So the motion did not prevail.

Mr. Mellett moved to amend the amendment of Mr. Humphreys, by striking out 2,000 and inserting 500 copies.

The ayes and noes being demanded by Messrs. Humphreys and Lowe.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Brazelton, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Union, Dunn, Fouts, Frazier, Gifford, Gwinn, Hadsell, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McMurry, Mellett, Merryfield, Murray, Newcomb, Peckenpugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Tackett, Thomas, Todd, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative were.

Messrs. Alden, Bartholomew, Brothwell, Buskirk, Carnahan, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Ellis, Essex, Gilham, Gordon, Hall of Laporte, Hardin, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, Martin, Miller, Monks, Montgomery, Schoonover, Shull, Smith of Perry, Stanton, Studabaker, Tanner, Test, Trusler, Turner, Usry, Weir and Williamson—46.

So the motion did not prevail.

Mr. Turner moved to strike out of the amendment of Mr. Humphreys the words "two thousand," and insert "one thousand."

Mr. Weir moved to lay the amendment to the amendment on the table.

Which motion prevailed.

The question then recurring on the amendment of Mr. Humphreys, and

The ayes and noes being demanded by Messrs. Humphreys and Lowe,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Carnahan, Cotton, Crozier, Davis, Ellis, Essex, Gifford, Gilham, Gordon, Hardin, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, Martin, Merrifield, Montgomery, Peyton, Schoonover, Sims, Shull, Stanton, Studabaker, Tanner, Test, Trusler, Turner, Usry, Weir and Williamson—48.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Fouts, Frazier, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McMurray, Mellett, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Tackett, Thomas Todd, Wood and Mr. Speaker—44.

So the motion to amend prevailed.

The question recurring upon the resolution of Mr. Tackett, as amended,

The ayes and noes were demanded by Messrs. Test and Buskirk.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Buskirk, Cain, Carnahan, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Gilham, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Studabaker, Tanner, Usry, Weir and Williamson—39.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazeltor, Brothwell, Buchanan, Burnett, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Dunn, Fouts, Frazier, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McCord, McMurray, Mellett, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shank, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—49.

So the resolution was not adopted.

On motion by Mr. Huffstetter,

The House adjourned till to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
January 6th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

On motion by Mr. Tackett,

The Governor's message was referred to a committee of the whole House, and made the special order for Wednesday next.

Mr. Cotton offered the following resolution:

Resolved, That the State Printer be directed to print four thousand copies of the Governor's message in the English language, and one thousand copies in the German language, for the use of the members of this House, and three hundred additional copies

for the use of the Governor, to be put up in the manner that his Excellency may see fit to direct.

Mr. Frazier offered to amend as follows: to strike out all words after the resolving clause and insert, "That five thousand copies of the Governor's Message be printed. Two thousand copies of which shall be with the accompanying documents; and five hundred copies of the latter shall be for the use of the Governor."

Mr. Coen offered the following amendment to the amendment: Strike out all after the word "Resolved," and insert, "That there be two thousand copies of the Governor's Message printed for the use of the House, one thousand of the number with the documents, one thousand without the documents, which shall be enveloped, and the postage stamps be appended. Ten copies to be delivered to each member for general distribution. And also an additional three hundred copies for the use of his Excellency, the Governor."

Mr. Hudson moved to lay the resolution and amendments upon the table.

Which motion prevailed.

Mr. Hudson, from a select committee, obtained leave, and made the following report:

MR. SPEAKER:

The committee to whom was referred the resolution of the House relative to procuring newspapers for the use of the members, have had the same under consideration, and respectfully report the following preamble and resolutions, and recommend the adoption of the same:

WHEREAS, It has been customary heretofore for this House to cause to be taken for its use a number of newspapers published in this city, at the cost of the State; **AND WHEREAS**, the expediency of the same is doubted by some members of this body, and now that each member may be free to exercise his own judgment in relation to the expediency and propriety of taking said newspapers, and also take individual responsibility upon himself in the premises just named, therefore,

Resolved, That each member of the House may have, as usual, to be paid for by the State, and to be placed on his desk for the use of himself and constituency, three copies of the "Daily Journal" and "Daily Sentinel" each, three copies of each of the following weekly newspapers, to-wit: the Journal, Sentinel, Locomotive, Republican, Western Transcript, Free Press, and Volksblatt; *Provided*, each member desiring all or a part of said newspapers shall immediately file with the Clerk a written statement over his signature, specifying the newspapers with which he

so desires to be furnished; and whatever number of the same he may wish, if expressed in said filed statement, shall be enveloped and stamped, ready for mailing; and further,

Resolved, That the Clerk be instructed to order, at the rate contracted for by the Senate, or at the usual prices paid, all newspapers as required by members of this House, in accordance with the foregoing resolution.

Mr. Buskirk moved to concur in said report, with the following amendment:

That each member shall pay for the papers to be placed upon his desk.

On motion by Mr. Test,

The amendment was laid on the table.

The question then recurring on concurring in the report,

It was not concurred in.

Mr. Humphreys, from the committee on newspapers, entered his protest against their report.

Mr. Hudson offered the following resolution:

Resolved, That this House order the printing of 3,000 copies of the Governor's Message for distribution by the members of the House, and that five hundred copies additional be printed for the use of his excellency, the Governor.

Mr. Buskirk moved to refer the resolution of Mr. Hudson to a select committee.

Which motion prevailed.

A committee, consisting of Messrs. Buskirk, Murray, and Hudson, was appointed.

Mr. Murray offered the following resolution:

Resolved, That the Doorkeeper subscribe for one copy, for each member of the House, of all daily papers who shall keep a reporter in this House, and publish the proceedings of the same.

Which was not adopted.

The Speaker laid before the House, the following report of the Doorkeeper:

In obedience to a resolution of the House the Doorkeeper makes the following report, that the names of his assistants are Daniel M. Tilton, Ezekiel Stephens, John L. Dew, and Samuel McKenzie.

Respectfully,

BUTLER HUBBARD, *Doorkeeper*.

I respectfully ask the privilege of appointing one additional assistant.

BUTLER HUBBARD.

On motion by Mr. Tackett,

Resolved, That the doorkeeper be allowed to appoint one additional assistant.

On motion by Mr. Earl,

Resolved, That the doorkeeper be and he is hereby directed to procure, and place upon the desks of the members of this House, all public documents, intended for distribution, and with the proper postoffice stamps on each.

Mr. Shull offered the following resolution:

Resolved, That the committee to whom was referred the printing of the Governor's message and accompanying documents, inquire into the expediency of printing five hundred of said documents in the German language.

Mr. Cotton moved to strike out five hundred, and insert one thousand.

Which motion prevailed.

The question then recurring upon the adoption of the resolution as amended,

It was adopted.

Mr. Mellett offered the following resolution:

Resolved, That the title of each document for distribution be written upon the envelope by the person enveloping the same.

Which resolution was not adopted.

Mr. Coen moved that the House adjourn till Monday, at 9 o'clock, A. M.

Which motion did not prevail.

Mr. Hillyer offered the following resolution:

Resolved, That the doorkeeper be instructed to contract with the proprietors of the Daily Journal, Sentinel, and Republican, for three copies of their respective papers for the use of each member.

Mr. Humphreys moved to amend the resolution by inserting after the word "Republican," the word "Volksblatt."

Mr. Newcomb moved to amend the amendment of Mr. Humphreys, by inserting after the word "Volksblatt," the words "Free Press."

Which motion prevailed.

Mr. Murray moved that the resolution and pending amendments be referred to a select committee.

Mr. Buskirk moved to amend by referring the resolution and

amendments to a select committee, with instructions to confer with the editors of the several newspapers and ascertain upon what terms they will furnish their newspapers.

Which motion prevailed.

Messrs. Murray, Humphreys, Newcomb, Hillyer, and Mellett were appointed the committee.

On motion by Mr. Hardin,

Leave of absence was given to Mr. Monks, on account of sickness in his family, until Monday next.

On motion by Mr. Peden,

The House adjourned until Monday next, at 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, }
January 8, 1855. }

House met pursuant to adjournment.

The Journal of Saturday last was read and adopted.

The Speaker announced the following

STANDING COMMITTEES:

ON ELECTIONS.

Messrs. Humphreys, Sims, Spotswood, Gordon, Fouts, Smith of Lagrange, and Shull.

ON TEMPERANCE.

Messrs. Newcomb, Clark of Tippecanoe, Merrifield, Mellett, Hunt, McMurry, and McCord.

ON WAYS AND MEANS.

Messrs. Meredith, Buskirk, Turner, McClure, Sanford, Smith of Perry, and Monks.

ON THE JUDICIARY.

Messrs. ^RMurray, ^RTrusler, ^DHester, ^RClark of ^RRush, ^RShanks, Shryock, and King of Johnson.

ON EDUCATION.

Messrs. Frazier, Wilson, Burnett, McCord, Huffstetter, Todd, and Gilham.

ON BANKS.

Messrs. Hudson, Hillyer, Dunn, Gifford, Clark of Tippecanoe, Smith of Lagrange, and Gilham.

ON MILITARY AFFAIRS.

Messrs. Schoonover, Huffstetter, Davis, Studabaker, Coen, Peden, and Usry.

ON THE AFFAIRS OF THE STATE PRISON.

Messrs. Bonner, Fouts, Branham, Logan, Malick, Wood, and Cotton.

ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Trusler, Beach, McMurry, Hervey, King of Madison, Clark of Steuben, and Landers.

ON ROADS.

Messrs. Hargrove, Cain, Hall of Laporte, Hall of Warren, Stanton, Montgomery, and Peckenpaugh.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Dunn, Hardin, Jeter, Weir, Davis, Peden, and Dickerson.

ON AGRICULTURE.

Messrs. Tackett, Merrifield, Miller, Peyton, Gwinn, Brothwell, and Clark of Jasper.

ON CORPORATIONS.

Messrs. Buskirk, Test, Brazelton, McFarland, Hunt, Clark of Tippecanoe, and Dickerson.

ON ENROLLED BILLS.

Messrs. Monks, Lowe, Sidwell, Williamson, Clark of Union, Earl, and Carnahan.

ON ENGROSSED BILLS.

Messrs. Clark of Rush, Todd, Essex, Tanner, Sims, Martin, and Crozier.

ON CLAIMS.

Messrs. Test, Walpole, Hadsell, Essex, Ellis, Harryman, and Wheeler.

ON PUBLIC EXPENDITURES.

Messrs. Hester, Lewis, Wilson, Tanner, Stanton, Turner, and Alden.

ON BENEVOLENT AND SCIENTIFIC INSTITUTIONS.

Messrs. Beach, Hervey, McConnell, Earl, Ellis, Shull, and Thomas.

ON MANUFACTURES AND COMMERCE.

Messrs. Logan, Coen, Hall of Laporte, Dickerson, Clark of Union, Gwinn and Hargrove.

ON THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF THE STATE.

Messrs. Walpole, Mellett, Branham, Buchanan, Lemmon, Hume, and Smith of Lagrange.

ON THE ORGANIZATION OF COURTS OF JUSTICE.

Messrs. McConnell, McFarland, Hillyer, Gordon, Monks, Newcomb and Frazier.

ON SWAMP LANDS.

Messrs. Wheeler, Clark of Jasper, McCord, Thomas, Bartholomew, Brothwell and Cain.

ON COUNTY AND TOWNSHIP BUSINESS.

Messrs. Hardin, Hall of Warren, Meredith, Alden, Buchanan Peckenpaugh and King of Madison.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Todd, Hervey and Montgomery.

ON CANAL FUND.

Messrs. Shryock, Coen and Stanton.

ON THE STATE LIBRARY.

Messrs. Mellett, Buskirk and Test.

ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, memorials, and remonstrances.
- III. Reports from Standing Committees.
 - 1st. On Elections.
 - 2d. On Ways and Means.
 - 3d. On Temperance.
 - 4th. On the Judiciary.
 - 5th. On Education.
 - 6th. On Military Affairs.
 - 7th. On the Affairs of the State Prison.
 - 8th. On the Affairs of the Town of Indianapolis.
 - 9th. On Claims.
 - 10th. On Roads.
 - 11th. On Canal and Internal and Improvements.
 - 12th. On Agriculture.
 - 13th. On Banks.
 - 14th. On Corporations.
 - 15th. On Public Expenditures.
 - 16th. On Manufactures and Commerce.
 - 17th. On Benevolent and Scientific Institutions.
 - 18th. On the Rights and Privileges of the Inhabitants of the State of Indiana.
 - 19th. On the Organization of Courts of Justice.
 - 20th. On Swamp Lands.
 - 21st. On County and Township Business.
- IV. Reports from Joint Committees.
 - 1st. On Public Buildings.
 - 2d. On the Canal Fund.
 - 3d. On the State Library.
- V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Introduction of Bills.

IX. Orders of the day.

The Speaker laid before the House the following communication from the Trustees of the Wabash and Erie Canal:

TRUSTEES OFFICE, WABASH AND ERIE CANAL, }
Terre Haute, January 5th, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

DEAR SIR:—I have the honor to enclose herewith the report of the board of trustees of the Wabash and Erie Canal, for the year 1854, which you will please submit to the honorable body over which you preside.

Very Respectfully,
Your obedient servant,
THOMAS DOWLING,
President of the Board of Trustees.

Mr. Hudson moved that the said report be laid on the table, and that the same be printed.

Which motion prevailed.

Mr. Meredith moved that 300 copies of the list of standing committees and order of business be printed.

Which motion prevailed.

The Speaker laid before the House the following communication from the Branch Bank at Bedford of the State Bank of Indiana, with the accompanying report.

BRANCH BANK, BEDFORD, INDIANA, }
Saturday, November, 1854. }

Hon. Speaker of the House of Representatives.

The officers of this branch are as follows: M. A. Malott, President, no salary; Isaac Rector, Cashier, salary \$1,200. The house used for banking purposes is worth what is charged in the within report. We have no other real estate except our interest in the State banking house. The other items of information required by the charter you will please find in the within report, all of which is respectfully submitted.

ISAAC RECTOR, *Cashier.*

Which,

On motion,

Was referred to the committee on banks.

The Speaker laid before the House a petition of certain citizens and voters of Perry County, in relation to the election of Hon. Ballard Smith as Representative from that county.

Which,

On motion of Mr. Buskirk,

Was referred to the committee on elections.

Mr. E. T. Spotswood, a representative from the county of Vermillion, appeared, presented his credentials, and was sworn into office by the Speaker, and took his seat.

Mr. Buskirk, from the select committee on printing the Governor's message, made the following report:

MR. SPEAKER:

The select committee, to whom was referred resolution of the House No. —, have had the same under consideration, and have directed me to recommend that four thousand copies of the Governor's message be printed; with one-half of which number shall be printed the list of pardons granted, and fines and forfeitures remitted, the report of the committee in regard to the over redemption of the Treasury notes, and the correspondence with reference to the Three per cent. Fund, and that of those printed without the accompanying documents, five hundred shall be printed under the direction and for the use of the Governor.

Mr. Humphreys moved to concur in the report with an amendment that two thousand copies be printed in the German language.

The question being put on concurring in the report with the amendment,

The ayes and noes were demanded by Messrs. Humphreys and Lowe.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Carnahan, Cotton, Crozier, Davis, Essex, Gifford, Gordon, Hardin, Hargrove, Huffstetter, Hume, Humphreys, Jeter, King of Madison, Lemmon, Lewis, Lowe, McClure, Martin, Merrifield, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Lagrange, Smith of Perry, Tanner, Turner, Usry, Weir, Williamson, Wheeler and Logan—38.

Those who voted in the negative were,

Messrs. Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer,

Gilham, Gwinn, Hadsell Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, Landers, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shanks, Shryock, Spotswood, Studabaker, Tackett, Thomas, Todd, Wood and Mr. Speaker—48.

So the motion did not prevail.

Mr. Studabaker, moved to concur in the foregoing report with the following amendment: That 1,000 copies be printed in the German language.

Which motion prevailed.

Mr. Murray, from the select committee on newspapers, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the resolution of the House on authorizing the doorkeeper to subscribe for certain newspapers, beg leave to report that they have conferred by note, with the several proprietors of said newspapers, and have received for answers, as follows:

The Indiana Journal Company propose to furnish three copies of their Daily (two enveloped) at three and a half cents per copy, without stamps. The Daily State Sentinel at the same rate. The Weekly Republican at thirty cents per copy, for the session, without stamps, or two cents additional per copy for stamping. The Volksblatt and Free Press, (German), each propose to furnish copies at five cents per copy, stamped and enveloped.

The offices seem to have great reluctance at "stamping" the papers, owing to the difficulty of procuring the necessary stamps—requiring gold and silver coin, invariably, to purchase them.

Your committee recommend the adoption of the following resolution:

Resolved, That the doorkeeper be authorized to contract with the Daily Journal and Daily Sentinel, and Weekly Republican, for three copies of each of their said papers, two of each copies to be enveloped, for the use of the members of this House; and that he be further authorized to procure the necessary stamps, and have the said enveloped copies stamped ready for mailing, and laid upon the table of each member of the House.

Mr. Hardin moved to concur in the report with the following amendment:

Resolved, That the Clerk be instructed to order, at the prices usually paid, three copies of each of the following daily newspapers of this city, to-wit: Journal, Sentinel, and Republican; and also, three copies of each of the following Weekly Newspapers of

this city, to-wit: Journal, Sentinel, Republican, Locomotive, Transcript, Free Press, and Volksblatt, for each member of this House, to be delivered at the stationary room, and they shall all, except one copy of each of the dailies, be enveloped and stamped ready for mailing:—*Provided, however,* That it shall be optional with each member, whether or not he will take all or any portion of said newspapers, and that he shall signify his choice in relation to this matter immediately to the clerk of the House, by filing with him a written statement over his own signature, specifying the newspapers with which he desires to be furnished, in accordance with this resolution; and further,

Resolved, That the doorkeeper be instructed to order the location and establishment of a Post Office in the stationery room, for the use of members of this House, and that the duties of said officer shall be faithfully discharged by him or one of his assistants, without any additional expense to the State. Said office shall contain as many small boxes or pigeon holes, convenient for the reception of papers and documents, as there are desks in this hall, and shall be numbered in the same order, and the box corresponding in number with the desk occupied by each member, shall be reserved for his exclusive use.

Mr. Carnahan moved to lay the amendment upon the table.
Which prevailed.

Mr. Humphreys moved to concur in the report with the following amendment:

Provided, That before such contract shall be executed, the editors of such papers shall obligate themselves, in writing, to report the proceedings of this House for their respective papers, and upon a failure to do so, we hereby reserve the right to rescind such contract.

Which prevailed.

On motion by Mr. Weir,

Resolved, That a committee of one from each congressional district be appointed by the Chair to introduce a bill districting the State for representative and senatorial purposes.

On motion by Mr. Murray,

Resolved, That the Auditor of State be required to inform this House what, if any, portion of the fund arising from the proceeds of swamp lands is withheld from the several counties, the reasons therefor, and what amount has been expended in surveying and draining.

On motion by Mr. Brothwell,

Resolved, That the House will, the Senate concurring, on tomorrow a week, at 10 o'clock A. M., in the Hall of the House of Representatives, proceed to elect a United States Senator.

Mr. Clark of Rush moved to amend by adding, "Providing the Senate signify their assent by ten o'clock on Monday next."

Mr. Shull moved to lay the resolution and pending amendments upon the table.

Which motion did not prevail.

Mr. Shryock moved to amend by appending the following proviso to the resolution:

"*Provided*, The Senate will signify their intention to go into said election on or before 10 o'clock A. M. on next Monday."

Which motion prevailed.

The question then recurring upon the resolution as amended, the ayes and noes were called for by two members.

Those who voted in the affirmative were,

Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Spotswood, Tackett, Thomas, Todd, Turner, Wood, Mr. Speaker—53

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Jeter, King of Madison, Landers, Lemon, Lewis, Logan, Lowe, McClure, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Weir, Williamson, Wheeler—33.

So the resolution was adopted.

On motion by Mr. Studabaker,

Resolved, That the judiciary committee be instructed to examine and report, at as early a day as convenient, whether it is necessary in amending an article, or amending a section, to set out the old law and the new law as revised on the same page, or whether it is only necessary to set out the old law and the amendment made; and also whether the decision of the Supreme Court, interpreting the 21st section of the 4th article of the constitution, will have any effect on the legislation of 1852.

On motion of Mr. Sidwell,

Resolved, That the House will, the Senate concurring, go into the election of State Printer on Thursday next at two o'clock, P. M.

Mr. Shull offered the following resolution :

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of amending the assessment law in such manner as to make it the duty of the township assessors to appraise the personal property listed for taxation.

Mr. Carnahan moved to lay the resolution on the table.

Which motion did not prevail.

The question then recurring upon the resolution it was not adopted.

Mr. Hudson offered the following resolution :

Resolved, That the Auditor report to this House immediately, whether he is at this time issuing to any of the free banks of this State bills for circulation by them.

Which resolution was adopted.

Mr. Brazelton offered the following resolution :

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the law regulating township business, that all such business may be performed by three officers instead of five.

Mr. Logan moved to amend by striking out the words "three officers" and insert the words "two officers."

Which motion did not prevail.

The question then recurring upon the resolution,

It was adopted.

INTRODUCTION OF BILLS.

Mr. Hillyer introduced

Bill No. 1. A bill to repeal all laws now in force establishing the times of holding the circuit courts in the second judicial circuit, and to fix the time of holding said courts.

Which was read a first time.

Mr. Hillyer moved to suspend the rules and read the bill a second time.

Question being put,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Hume, Humphreys, Jeter, King of Madison, Landers, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Usry, Weir, Williamson, Wheeler, Wood and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Alden, Burnett, Crozier, Huffstetter, Lemmon and Lewis—6.

So the bill was ordered to be read a second time.

The bill was then read a second time and ordered to be engrossed.

Mr. Hillyer moved that the bill be considered as engrossed, that the rules be suspended, and the bill be read a third time.

The question being put,

Those who voted in the affirmative were, .

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Rippecanoe, Clark of Union, Coen, Colton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Madison, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spottswood, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Usry, Weir, Williamson, Wheeler, Wood and Mr. Speaker—82.

Mr. Lemmon voted in the negative.

So the bill was ordered to be read a third time.

The bill was then read a third time.

And the question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hillyer, Hudson, Humphreys, King of Johnson, Landers, Logan, Lowe, McConnell, McCord, McClure, McMurray, Malick, Martin, Meredith, Merrifield, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spottswood, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Usry, Weir, Williamson, Wheeler Wood and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Alden, Burnett, Crozier, Huffstetter, Hume, Lemmon, Lewis, Miller, Schoonover—9.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Smith of Perry, introduced bill

No. 2. A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill," approved February 16, 1848.

Which was read a first time and passed to a second reading.

Mr. Brazelton introduced bill

No. 3. A bill to prevent the desecration of the Sabbath.

Which was read a first time and passed to a second reading.

Mr. Murray moved to suspend the order of business to allow him to introduce a resolution,

Which motion prevailed.

Mr. Murray, then introduced the following resolution:

Resolved, That the House shall meet at 9 o'clock, A. M., and 2 o'clock, P. M., of each day.

Which resolution was adopted.

Mr. Kilgore introduced

Bill No. 4. A bill to amend the Constitution of the State of Indiana by altering the second section of article 2, and by striking out the 21st section of article four; and to alter the 28th section of article four, and by striking out the latter clause of section 29, article four

Which was read a first time and passed to a second reading.

Mr. Clark of Rush introduced

Bill No. 5. A bill to amend the 65th and 66th sections of an "act providing for the settlement of decedents' estates; prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement. Approved June 17, 1852."

Which was read a first time and passed to a second reading.

Mr. Clark of Rush moved to suspend the rules and read the bill a second time.

The question being put,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hardin, Harryman, Hillyer, McCord, Meredith, Merrifield, Murray, Newcomb, Peden, Sanford, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Turner, Weir, Wood—36.

Those who voted in the negative were,

Messrs. Carnahan, Coen, Cotton, Crozier, Davis, Dickerson, Essex, Hargrove, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Madison, Lewis, Lemmon, Logan, Lowe, McConnell, McClure, McMurry, Martin, Mellett, Miller, Montgomery, Peck-enpaugh, Peyton, Shanks, Studabaker, Tanner, Thomas, Usry, Williamson, Wilson—33.

So the motion did not prevail,

And the bill passed to a second reading.

On motion by Mr. Brazelton,

The House adjourned till 2 o'clock P. M.

2 o'clock P. M.

The House met.

Mr. Smith of Perry introduced

Bill No. 6. A bill to fix the time of holding the courts of common pleas in the district composed of the counties of Perry, Spencer, and Dubois.

Which was read a first time and passed to a second reading.

The Speaker laid before the House a communication from the Auditor of State, which is in the words and figures following, to-wit:

OFFICE OF AUDITOR OF STATE, }
Indianapolis, Jan. 8, 1855. }

Honorable Speaker of the House of Representatives:

SIR—In reply to a resolution of the body over which you have the honor to preside, requesting “that the Auditor of State report whether he is at this time issuing to any of the Free Banks of this State bills for circulation by them,” I have the honor to reply that I am not issuing any notes to any of the Free Banks of this State, except in the following instances:

The Bank of Paoli, recently organized by the citizens of that place, intended for a *bona fide* bank, has had her notes prepared, and has also filed bonds in this office as a basis, but as yet no notes have been delivered to them. She is one of the specie-paying banks, so quoted. Also the Bank of North America at *Clinton* has drawn out about ten thousand dollars of her notes, by retiring the same amount of the notes of the Bank of North America at *Newport*. This bank, I understand, has been purchased by citizens of Clinton, who desire to remove it from Newport to Clinton, and do it by retiring the notes of the bank at Newport, and issuing new ones at Clinton. The Clinton bank is a specie-paying bank, while the Newport one is in a state of partial suspension. The securities of the bank at Newport are principally based on Indiana 5 per cents, taken at par, while the bank at Clinton is based on stocks at their present value. These are all the cases I now recollect in which new paper has been issued for some time.

It is also true I am finishing up a considerable amount of paper that was partially done before the suspension, to save my successor the labor and trouble of doing it, saying nothing of the small amount of profit to result therefrom.

All which is most respectfully submitted.

JOHN P. DUNN,
Auditor of State.

On motion by Mr. Huffstetter,
Said communication was referred to the committee on Banks.

The Speaker laid before the House the following communication from the principal clerk thereof as to his assistants:

HALL OF THE HOUSE, JAN. 8, 1855.

HON. DAVID KILGORE, *Speaker*:

In pursuance of a resolution passed on the 5th instant, requesting the Clerk to state to the House the names, with character of employment of each assistant appointed by him, I will state that J. P. Sonner and Wm. C. Talcott have been employed as my immediate assistants.

Respectfully submitted,

JOHN LEVERING,

Principal Clerk of House.

On motion by Mr. Mellett,

The order of business was suspended to allow him to introduce a resolution.

Mr. Mellett introduced the following resolution:

Resolved, That the doorkeeper be directed to have three hundred copies of the rules and joint rules of this House printed and laid upon the desks of the members instanter.

Mr. Brazelton moved to amend the resolution by striking out all after the word "resolved" and inserting the following:

"That the resolution adopted by this House with reference to printing of the standing rules be carried into effect by the doorkeeper."

Which was adopted.

The resolution as amended was then adopted.

Mr. Test introduced bill

No. 7. A bill to abolish the seventh judicial circuit of the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Shryock moved to suspend the order of business to permit a motion to be made to reconsider the vote as to the election of State Printer taken this morning.

Which did not prevail.

On motion by Mr. Buskirk,

The order of business was suspended, generally, for the remainder of the day.

On motion by Mr. Coen,

Resolved, That the doorkeeper be instructed to furnish and apply the proper post office stamps on the documents laid upon the desks of the members of this House for general distribution.

Mr. Shryock moved to reconsider the vote upon the resolution which provided for going into the election of State Printer on next Thursday.

Which motion prevailed.

Mr. Shryock then moved to lay the said resolution on the table.

Which motion prevailed.

On motion by Mr. Lowe,

Resolved, That the committee on County and Township Business be requested to inquire into the propriety of transferring the civil township business to the county commissioners and report by bill or otherwise.

Mr. Tackett offered the following resolution:

Resolved, That the committee on temperance are hereby instructed to inquire into the expediency of reporting a bill prohibiting the sale of spirituous liquors as a beverage.

Mr. Thomas moved to amend by inserting the word "manufacture," so as to read manufacture and sale.

Which was accepted by the mover,

And the resolution was adopted.

On motion by Mr. Newcomb,

Resolved, That there be added to the standing committees of this House a committee on the trust funds of this State.

Mr. Schoonover moved to amend by adding, "a committee on accounts, and a committee on fees and salaries."

Which prevailed.

And the resolution, as amended, was adopted.

Mr. Gifford offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making it the duty of the justices of the peace to take charge of the paupers in their respective townships, in place of the township officers who now have charge of said paupers.

Mr. Murray moved to strike out the words "the judiciary," and insert the words "on county and township business."

Which motion prevailed.

The question then recurring upon the resolution as amended, it was adopted.

Mr. Tackett moved to reconsider the vote on the resolution fixing the time for electing a United States' Senator.

Which motion did not prevail.

On motion by Mr. Dickerson,

Resolved, That the committee on education be instructed to inquire into the expediency of districting the townships for common school purposes.

Mr. Buchanan offered the following resolution:

Resolved, The House will, the Senate concurring, proceed to the election of State Librarian on Thursday next, at 10 o'clock A. M. Which was not adopted.

On motion by Mr. Brazelton,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the 20th section of the "act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, as to empower township trustees to levy a road tax without petition therefore by a majority of the voters of said township."

Which resolution was referred to the committee on roads.

Mr. Mellett offered the following resolution:

Resolved, That the committee on agriculture report a bill providing for the extermination, as far as possible, of sheep killing dogs.

Which was adopted.

On motion by Mr. Fouts,

Resolved, That the committee on the organization of courts of justice be instructed to inquire into the expediency of abolishing the court of common pleas.

Mr. Murray offered the following resolution:

Resolved, That the committee on Rights and Privileges of the inhabitants of this State, be instructed to inquire into the expediency of amending the constitution of the State, so as to authorize females to vote who are over the age of 18 years.

Which resolution was not adopted.

On motion by Huffstetter,

The House adjourned till to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, {
January 9th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

The Speaker laid before the House a supplementary report of the State University.

On motion by Mr. Logan,

The report was laid upon the table, and a thousand copies were ordered to be printed.

PETITIONS, MEMORIALS, &c., PRESENTED.

By Mr. Hardin,

A petition from sundry citizens of Vanderburg county, praying for an amendment of sec. 29, of chap. 98, of the Revised Statutes of 1852, in reference to educational purposes.

Which,

On motion,

Was referred to the committee on education.

The Speaker laid before the House a communication from William S. Bunch, on the subject of Banks and currency.

Which,

On motion by Mr. Murray,

Was referred to the committee on banks.

By Mr. Clark, of Jasper,

A petition from sundry citizens praying for the passage of a law against the desecration of the Sabbath.

Which,

On motion by Mr. Tanner,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. McCord,

A memorial from the Synod of Indiana, in connection with the Presbyterian Church, on the subject of the desecration of the Sabbath.

Which,

On motion by Mr. Murray,
Was referred to the committee on the rights and privileges of the inhabitants of the State.

RESOLUTIONS.

Mr. Fouts offered the following resolution:

Resolved, That the committee on agriculture be requested to report a bill allowing county agricultural societies to hold real estate, on which to erect suitable buildings for their annual exhibitions.

Which,

On motion,
Was referred to the committee on agriculture.

On motion by Mr. Studabaker,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of amending the law providing for the election of township assessors, so that said officers may be elected at the April election, and that they may file their bond and oath of office with the township trustees.

Mr. Ellis offered the following resolution:

Resolved, That the committee on education be instructed to inquire whether the present school law extends to persons over the age of 21 years, the privilege of attending the public schools, and if so, to inquire into the expediency of requiring them to do so at their own expense without the aid of the public funds?

On motion by Mr. Hervey,

Resolved, That the committee on county and township business, be instructed to inquire into the expediency of abolishing the office of township assessor. That the assessment list, made out under the specifications of the existing law, be filed with the county collector at the time of paying tax, under oath or affirmation as is now required, and on failure so to do, that the assessment be made by the proper officer at the expense of the person so assessed, and that said committee report upon the same by bill or otherwise.

On motion of Mr. Brazelton,

Resolved, That three hundred copies of the report of the trustees of the Wabash and Erie Canal be printed for the use of this House.

Mr. Hardin offered the following resolution:

Resolved, That owing to the great amount of business to be transacted by some of the committees of the House, that such as deem it necessary shall be authorized to employ clerks.

Which was not adopted.

Mr. Merrifield introduced the following resolution:

Resolved, That the committee on corporations be instructed to inquire into the expediency of so amending the act to provide for the incorporation of railroads, so as to limit the amount that such railroads may charge for the carriage of passengers to a certain rate per mile; and also to require such roads, in making out their bills for the carriage of goods or other freight, where there are advanced charges, to specify the items of which they are composed and report by bill or otherwise.

Which,

On motion,

Was referred to the committee on corporations.

Mr. Logan introduced the following resolution:

Resolved, That the committee on township and county business be instructed to inquire into the expediency of so amending the assessment laws that the assessors of each civil township of the several counties of this State, shall, on the first Monday and Tuesday in April, in each year, meet the tax payers of their township at the usual place of holding elections in such townships, and the assessor shall there receive a list of all the assessable property of each person liable to pay taxes in said township.

Which,

On motion of Mr. Buskirk,

Was referred to the committee on ways and means.

Mr. Frazer introduced the following resolution:

Resolved, That the Auditor of State be and he is hereby instructed to report to this house in detail the items constituting the aggregate disbursements of the township library fund during the rest of the fiscal year shown by the last annual report of that officer to be \$151,787 07.

Which was adopted.

Mr. Buskirk offered the following resolution:

Resolved, That the committee on ways and means be instructed to report a bill to abolish the office of township assessor and to provide for county assessor.

Which was,
On motion,
Laid upon the table.

Mr. Buskirk offered the following resolution :

Resolved, That the committee on ways and means be instructed to report a bill providing for the re-appraisment of real estate in the year 1855.

Which,
On motion by Mr. Buskirk,
Was laid on the table.

On motion by Mr. Smith of Lagrange,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law regulating common schools as to prohibit the application of the school fund to the erection of school houses and furnishing fuel for the same.

On motion by Mr. Smith of Lagrange,
The resolution was referred to the committee on education.
The Speaker laid before the House the following communications from the doorkeeper :

MR. SPEAKER :

The doorkeeper makes the following report, viz :

He has contracted for the printing of three hundred copies of the rules and joint rules of the House, and they are promised to be ready for distribution by to-morrow at 9 o'clock A. M.

Respectfully,

BUTLER HUBBARD, *Doorkeeper*.

MR. SPEAKER :

The doorkeeper makes the following report :

That in obedience to a resolution passed on yesterday, concerning postage stamps for the use of the members, he has made an effort to obtain them, but cannot without the gold or silver, or the paper of the State Bank, branch at Indianapolis. Not having any of these funds, I respectfully await further orders.

BUTLER HUBBARD, *Doorkeeper*.

Which reports,
On motion by Mr. Murray,
Were laid on the table.

HJ5

BILLS INTRODUCED.

Mr. Humphreys introduced

Bill No. 8. A bill to regulate the election of United States Senator.

Which was read a first time and passed to a second reading.

Mr. Wheeler introduced

Bill No. 9. A bill authorizing railroad companies to create a preferred stock.

Which was read a first time and passed to a second reading.

Mr. McConnell introduced

Bill No. 10. A bill to repeal all laws now in force for establishing the time of holding common pleas courts in the district composed of the counties of Knox, Daviess, Pike, and Martin, and to fix the times of holding said courts.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 11. An act to amend an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity. Approved Jan. 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 12. An act to amend an act entitled an "act for the incorporation of insurance companies, defining their powers and prescribing their duties;" approved June 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Brazelton introduced

Bill No. 13. A bill supplemental to the act of revised statutes of 1852, entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State.

Which was read a first time and passed to a second reading.

On motion by Mr. Hudson,

The order of business was suspended to allow him to introduce the following resolution :

Resolved, That the Auditor of State report to this House, at an early day, the full amount of stocks *originally* deposited in his office by each and every Free Bank in this State; also what stocks, and their kind, have been withdrawn, and what others, and their kind, have been deposited, since the organization of each and every one of said banks

Which resolution was adopted.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 2. A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill;" approved February 15, 1848.

Was read a second time and referred to the committee on corporations.

No. 3. A bill to prevent the desecration of the Sabbath.

Was read a second time, and

On motion,

Was referred to the committee on rights and privileges of the inhabitants of the State.

No. 4. A bill to amend the constitution of the State of Indiana.

Was read a second time, and,

On motion by Mr. Buskirk,

Was referred to the committee on the judiciary.

No. 5. A bill to amend the 65th and 66th sections of "an act providing for the settlement of decedents' estates; prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements;" approved June 17, 1852.

Was read a second time.

Mr. Newcomb offered an amendment,

Pending which,

On motion by Mr. Schoonover,

The bill and amendment were referred to the committee on the judiciary.

No. 6. A bill to fix the time of holding the court of common pleas, in the district composed of the counties of Perry, Spencer and Dubois,

Was read a second time, and ordered to be engrossed.

No. 7. A bill to abolish the seventh judicial circuit of the State of Indiana,

Was read a second time and,

On motion by Mr. Test,

Was referred to a select committee, composed of all the members of the seventh judicial circuit.

Mr. Test asked to be excused from serving on the committee on claims.

He was so excused, and Mr. Logan appointed to fill the vacancy.

Mr. Newcomb moved that Mr. Bonner be added to the committee on temperance.

Which motion prevailed.

Mr. Murray moved that the House adjourn till 2 o'clock P. M.

Which motion prevailed.

2 o'clock, P. M.

House met.

announced four additional standing committees, as

ON TRUST FUNDS.

Messrs. Wilson, Newcomb, Dunn, Bonner, McConnell, Carnahan and Frazér.

ON FEES AND SALARIES.

Messrs. Smith of Perry, Smith of LaGrange, Hardin, Landers, Tackett, Usry and Humphreys.

ON ACCOUNTS AND MILEAGE.

Messrs. Schoonover, Cotton, Peyton, Stanton, Brazelton, Hadsell and Sanford.

ON APPORTIONMENT.

Messrs. Weir, McConnell, Hillyer, Branham, Bonner, Trusler, Newcomb, Landers, Wheeler, Brothwell and Murray.

On motion by Mr. Hardin,

The Speaker added to the committee the following members, one for each congressional district:

Messrs. Merrifield, Huffstetter, Hunt, Essex, Humphreys, Hargrove, Clark of Steuben, Buchanan, Tackett, Gordon and Test.

Upon leave granted,

Mr. Shanks introduced

Joint resolution No. 1. A joint resolution on the subject of postage.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication from the doorkeeper:

MR. SPEAKER:

I make the following report on the subject of newspapers, viz: I have contracted with the Daily Journal and Daily Sentinel for three copies per day for each member of this House at 3½ cents per copy, two-thirds of all to be enveloped, the papers to be delivered in the stationery room of the House. They were both willing to go into a written contract to report the proceedings of the House in their usual way. The editor of the weekly Republican having no reporter, I did not contract for his paper.

Respectfully submitted,

BUTLER HUBBARD, *Doorkeeper.*

Mr. Newcomb moved to reconsider the vote upon the resolution providing for clerks to the committees.

Which motion prevailed.

Mr. Test moved to amend the resolution by inserting between the words "that and such," the following words: "The committee on ways and means, and the committee on the judiciary."

Mr. Frazer moved to amend the amendment by appending thereto the words "the committee on education."

Which motion prevailed.

The question then being on the adoption of the amendment as amended,

It was adopted.

The question then being on the adoption of the resolution as amended,

It was adopted.

Mr. Hadsell moved to suspend the order of business to allow him to introduce a resolution.

Which motion prevailed.

Mr. Hadsell then offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law as to require the State to raise by general tax a sum sufficient, with the general school fund, to sustain in every township the public schools thereof for the term of six months each year.

Which was adopted, and

On motion,

Referred to the committee on education.

Mr. Davis obtained leave and offered the following resolution:

Resolved, That the committee on education be requested to inquire into the law approved June 14, A. D. 1852, providing for a general and uniform system of common schools, so as to dispense with the traveling duties of the State Superintendent, with a reduction of his traveling expenses, with leave to report by bill or otherwise.

Which was adopted, and

On motion,

Referred to the committee on education.

Mr. Clark of Steuben obtained leave and offered the following resolution :

Resolved, That the committee on education be instructed to inquire into the expediency of so amending our school law as to require the re-organization of school districts throughout the State, and making provision for the election of one trustee in each district.

Which was adopted, and

On motion,

Referred to the committee on education.

Mr. Landers obtained leave and proposed the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill making it lawful to collect ten per cent. interest per annum, when the contract has been so made and committed to writing.

Which was adopted, and

On motion,

Referred to the committee on the judiciary.

Mr. Burnett obtained leave and offered the following resolution :

Resolved, That the committee on education be requested to inquire into the expediency of so amending section 1st of chapter 98, that twenty-five cents on the one hundred dollars shall be assessed and collected annually, as other State and county taxes are assessed and collected, for common school purposes.

Which was adopted, and

On motion,

Referred to the committee on education.

Mr. Cotton obtained leave and offered the following resolution :

Resolved, That the committee on county and township business be instructed to inquire into the expediency of amending the assessment law so as to authorize the commissioners of the several counties to fix the manner of publishing the delinquent list in the several counties and report by bill or otherwise.

Which was adopted, and

On motion,

Referred to the committee on county and township business.

Mr. Fouts obtained leave and offered the following resolution :

Resolved, That the committee on military affairs be instructed to inquire into the expediency of abolishing the military law.

Which was adopted, and

On motion,

Referred to the committee on military affairs.

Mr. Landers introduced

Bill No. 14. A bill in relation to collections on contracts.

Read a first time and passed to a second reading.

On motion,

The House adjourned till 9 o'clock on to-morrow morning.

WEDNESDAY MORNING, 9 O'CLOCK, }
January 10, 1855. }

The House met, pursuant to adjournment.

The journal of yesterday was read and adopted.

A message from the Senate by Mr. Turman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House:

Bill No. 1. A bill to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of the House, instructing the committee "to examine and report at as early a day as convenient, whether it is necessary in amending an article or section, to set out the old law and the new law as revised on the same page, or whether it is only necessary to set out the old law and amendments made; and also whether the decision of the Supreme Court, interpreting the 21st section of the 4th article of the constitution, will have any effect on the Legislature of 1852"—beg leave to make the following report:

That in the opinion of this committee, it is necessary under the constitution, in amending any article or section, to set out the article or section proposed to be amended, and also the article or section as it will read when amended.

Your committee are further of opinion that the general legislation of 1852, as contained in the revised statutes of that year, are not in conflict with the 21st section of the 4th article of the constitution, on the subject of amendments.

They think that that article was framed and intended by its makers to correct a very objectionable practice of future legislatures, of amending sections and laws by a mere reference to the title, section, or line, requiring sometimes a critical examination of various acts to ascertain the meaning and intention of the legislature.

The revised statutes of 1852 were not, strictly speaking, *amendments* of former laws, but were *new* enactments upon the same and other subjects, and by the general repealing clause, found in page 430 of 1st volume Revised Statutes of 1852, "all laws not enacted at the present (then) session of the General Assembly were repealed," except such as were there excepted.

Which report was concurred in by the House.

The Speaker laid before the House a communication from a committee of the State Board of Agriculture, accompanied by a petition of Geo. W. Lane and others, which,

On motion by Mr. Meredith,

Was referred to the committee on agriculture.

RESOLUTIONS INTRODUCED.

On motion by Mr. Weir,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the law requiring complete records to be made out in the court of common pleas, unless paid for by the person asking.

On motion by Mr. Hume,

Resolved, That the committee on banks be instructed to inquire into the propriety or expediency of prohibiting the State stock banks from issuing notes of a less denomination than \$10.

Mr. Hardin introduced the following resolution :

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the assessment law, as to make it attach as a lien on personal property for purposes of taxation on the first day of March of every year, and report by bill or otherwise.

Which resolution was not adopted.

On motion by Mr. Lewis,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the common school law that all assessments and collections on the polls and taxable property of the citizens of this State for common school purposes, shall be distributed in the counties in which the same shall have been assessed and collected.

On motion by Mr. Lowe,

Resolved, That the committee on the judiciary be requested to inquire into the propriety of reporting a bill supplemental to an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852, requiring the debtor to make out a correct list, under oath, of all his personal property, including all dues, demands, and cash on hand.

Mr. Shanks offered the following resolution :

Resolved, That the Auditor of State be required to inform this House whether there is or is not, at this time, in circulation in this State, notes or bills of a denomination less than five hundred dollars, which have been issued under the general banking laws of this State, and registered by said Auditor, which notes or bills are made

payable at places where there is no banking house or place of doing business, relative to said issues, by the persons liable for the redemption of such notes or bills, and if so, when are said notes or bills made payable, and to whom were they issued, with the name of the fictitious institution.

Which,

On motion by Mr. Hudson,

Was referred to the committee on banks.

On motion by Mr. Malick,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending section 10th of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and of county and township officers in relation thereto, as to provide that persons may be exempt from working on highways by paying the required amount per day to the supervisor, instead of requiring the payment to be made to the township treasurer, and that they report by bill or otherwise.

Which was adopted.

On motion by Mr. Mellett,

Resolved, That the Treasurer of State be instructed to furnish to the doorkeeper of this House one hundred dollars' worth of postage stamps, who shall distribute them amongst the members.

On motion by Mr. Hargrove,

Resolved, That the committee on banks be instructed to inquire into the expediency of so amending the general banking law of this State, as to require the immediate liquidation of any and all banks organized under the provisions of said law, for either of the following causes, to-wit:

1st. For refusing to redeem any of their bills in specie, without the benefit of thirty days notice, as now required by law.

2d. For not having a visible banking house or office, kept open the usual banking hours for the transaction of their business.

3d. For not having deposited with the Auditor of State stock or bonds at their cash value, to the amount of fifty thousand dollars.

And also of amending the said banking law, as to not require more than one protest for the non-payment of bills of any such banks, so put in liquidation; also, to prohibit the issue of bills of a less denomination than five dollars; and also, of providing for a sufficient penalty against the Auditor of State, for a violation of any of the duties required of him by the general banking laws of this State, and that they report by bill or otherwise.

On motion by Mr. Dickerson,

Resolved, That the Superintendent of Public Instruction be requested to report to this House, at as early a day as convenient, the additional amount of tax upon each one hundred dollars worth of taxable property in this State, it would require in addition to the present school fund, to establish six months schools for the accommodation of all the children of the State, between the ages of five and twenty-one.

On motion by Mr. Thomas,

Resolved, That the committee on banks be instructed to inquire into the expediency of passing a law to prevent the issuing and circulation of any bank bills of a less denomination than five dollars.

And be it further resolved, That no bill of less denomination than five dollars on banks of other States shall be allowed to circulate in this State.

On motion by Mr. Carnahan,

Resolved, That the doorkeeper be required to procure iron pans to set on the stoves in the lobbies of the House, and to keep water in the same.

Mr. Hadsell offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to authorize the trustees of townships to appoint a school examiner in each township.

Which was not adopted.

On motion by Mr. Test,

The vote adopting the resolution of Mr. Mellett this forenoon, instructing the Treasurer of State to furnish the doorkeeper with one hundred dollars worth of postage stamps, was reconsidered.

Mr. Hardin moved to amend the resolution by inserting in the proper place the words "newspaper stamps."

On motion by Mr. Hargrove,

The resolution and pending amendment were laid on the table.

Mr. Huffstetter offered the following resolution:

Resolved, That the committee on education be instructed to report a bill providing for the sale of all saline lands remaining unsold in this State, on such terms as they may deem expedient.

Which was not adopted.

On motion by Mr. Cotton,

Resolved, That the doorkeeper be instructed to contract with the proprietors of the several newspapers that they furnish this House envelopes, and to stamp the same with the proper stamps.

On motion by Mr. Thomas,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the road law of this State as to exempt all ministers of the gospel who devote all their time to the ministry, and who are superannuated, from working on roads.

On motion by Mr. Davis,

Resolved, That the committee on banks be instructed to inquire into the expediency of reporting a bill repealing an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and that said committee report by bill or otherwise.

Mr. Clark of Steuben offered the following resolution:

Resolved, That the committee on the organization of courts of justice be instructed to inquire into and report to this House, by bill or otherwise, the expediency of abolishing the grand jury system.

Which was not adopted.

Mr. Peden offered the following resolution:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of disposing of the arms and munitions of war belonging to the military establishment of the State

Which was not adopted.

Mr. Newcomb moved that the House go into a committee of the whole on the Governor's message.

Which motion prevailed.

The House then resolved itself into a committee of the whole on the Governor's message,

Mr. Tackett in the chair.

After remaining in session some time, the committee arose and reported, through Mr. Tackett their chairman, as follows:

MR. SPEAKER:

The committee of the whole House, to whom was referred the annual message of his excellency the Governor, have had the

same under consideration and have passed sundry resolutions in relation thereto, in which the concurrence of the House is respectfully requested.

The House then proceeded to the consideration of the resolutions of the committee jointly.

Resolved, That so much of the Governor's message as relates to the traffic in spiritous liquors be referred to the committee on temperance.

Resolved, That that portion of the Governor's message which speaks of the political excitement of the times be referred to a special committee of five members, and *that* committee be instructed to inquire into and report to this House the source from whence that excitement originated, the effect produced upon the country, and, in their opinion, *how* it will ultimately result.

Resolved, That so much of the Governor's message as relates to agriculture be referred to the committee on agriculture.

Resolved, That so much of the Governor's Message that treats on the evils of intemperance, be referred to the committee on temperance, and that they be instructed to report a bill at as early a day as possible, that shall effectually prohibit the manufacture and sale of all intoxicating liquors to be used as a beverage.

Resolved, That so much of the Governor's Message as relates to the increase of the salaries of judges and other officers, be referred to the committee on the organization of the courts of justice.

Resolved, That so much of the Governor's Message as refers to banks, be referred to the committee on banks.

Resolved, That so much of the Governor's Message as refers to the Madison and Indianapolis Railroad, be referred to a select committee of five, to be appointed by the Speaker of the House.

Resolved, That so much of the Governor's Message as relates to the State Prison, in reference to the State having the entire management and control thereof, be referred to the committee on the affairs of the State Prison.

Resolved, That so much of the Governor's Message as refers to the subject of colonization, be referred to a special committee to be appointed by the Speaker of the House.

Resolved, That so much of the Governor's Message as relates to the organization of a board of railroad commissioners, be referred to the committee on corporations.

Resolved, That so much of the Governor's Message as refers to unauthorized and unjust exacting upon the traveling public, be referred to the committee on the rights and privileges of the inhabitants of the State.

Resolved, That so much of the Governor's Message as relates to a geological and topographical survey of the State, be referred to a select committee of five, who may report by bill or otherwise.

Resolved, That so much of the Governor's Message as relates to

the benevolent institutions of the State, be referred to the committee on benevolent and scientific institutions.

Resolved, That so much of the Governor's Message as recommends the enacting of a law for the relief of holders of bonds which may be destroyed by any unavoidable accident, be referred to the committee on ways and means.

Resolved, That so much of the Governor's Message as relates to the subject of education, be referred to the committee on education.

Resolved, That so much of the Governor's Message as refers to the violation of the Sabbath, be referred to the committee on the rights and privileges of the inhabitants of the State.

Resolved, That so much of the Governor's Message as refers to the State Prison, be referred to the committee on the State Prison.

Resolved, That so much of the Governor's Message as relates to the propriety of creating the office of Attorney General, be referred to the committee on the judiciary.

Resolved, That the report of the committee accompanying the Governor's Message, in regard to the over redemption of treasury notes, be referred to the committee on ways and means.

Resolved, That so much of the Governor's Message as refers to the trust funds of the State be referred to the committee on trust funds.

Resolved, That so much of the Governor's message as relates to the providing of suitable buildings at the seat of government for State offices, be referred to the committee on public buildings.

Resolved, That so much of the Governor's Message as relates to internal improvements be referred to the committee on canals and internal improvements.

Resolved. That so much of the Governor's Message as relates to roads be referred to the committee on roads.

Resolved, That so much of the Governor's Message as refers to the legal effects of the recent decisions of the Supreme Court, on the school laws, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's Message as relates to the House of refuge for juvenile offenders, be referred to the committee on benevolent and scientific institutions.

Resolved, That so much of the Governor's Message as refers to the affairs of the Bloomington University, be referred to the committee on education.

Resolved, That so much of the Governor's Message as relates to elections, be referred to the committee on elections.

Resolved, That so much of the Governor's Message as relates to the appointment of general railroad commissioners, and requiring railroad companies connecting with railroads of this State to keep offices in this State, be referred to the committee on the rights and privileges of the inhabitants of the State.

Resolved, That so much of the Governor's Message as relates to

the reduction of the number of Senators and Representatives, be referred to the committee on apportionment.

Resolved, That so much of the Governor's message as relates to the organization of secret societies, be referred to the committee on the judiciary, and that they be required to report by bill or otherwise.

Which resolutions were concurred in jointly by the House.

On motion by Mr. Sanford,

Resolved, That the committee on roads be instructed to inquire into the propriety of providing by law for the removing or felling of all girdled or deadened timber standing within fifty feet of any public road or highway, where such timber shall have been girdled or deadened for more than two years; and that persons owning land through or along which such road or highway may pass, be hereafter prohibited from permitting timber which they shall cause to be girdled or deadened, within the aforesaid distance of such road or highway, to stand more than two years after being so girdled or deadened.

Mr. Fouts introduced the following resolution:

Resolved, That the committee on education be instructed to report a bill to so amend the school law that the township trustees will clearly understand that it is their duty to distribute the funds according to the number of scholars.

Which resolution was not adopted.

On motion by Mr. Shull,

Resolved, That the committee of ways and means, inquire into the expediency of altering the present mode of appraising the value of personal property listed for taxation in the State.

BILLS INTRODUCED.

Mr. King of Johnson introduced

Bill No. 15. A bill to amend the 1st section of an act entitled "an act concerning interest on money," approved May 27th, 1852. Which was read a first time and passed to a second reading.

Mr. Murray introduced

Bill No. 16. A bill to amend section 33, article 3 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State"; to abolish distinct forms

of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852."

Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 17. A bill amendatory of the law for the assessment of damages against railroad companies, for property appropriated to railroad purposes, and to limit the term within which suits for such damages shall be commenced.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 18. A bill amending the 3d section of an act for the incorporation of county libraries, approved June 18th, 1852.

Which was read a first time and passed to a second reading.

Mr. Sanford introduced

Bill No. 19. A bill to amend the fourth section of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals, approved February 16th, 1852.

Which was read a first time and passed to a second reading.

Mr. Lemmon introduced

Bill No. 20. A bill to amend the 18th section of an act entitled an act for the more uniform mode of doing township business, approved May 6th, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Tacket,
The House adjourned till 2 o'clock, P. M.

WEDNESDAY, 2 o'clock, P. M.

House met pursuant to adjournment.

The speaker laid before the House the following communication

from the commissioners of the sinking fund, with the accompanying report:

OFFICE OF COMMISSIONERS OF SINKING FUND, }
INDIANAPOLIS, JANUARY 9TH, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—Herewith please receive and lay before the House of Representatives, the annual report of the commissioners of the sinking fund.

I am very respectfully,

Your obedient servant,

E. DUMONT, *President.*

On motion by Mr. Newcomb,

The report was laid upon the table, and it was ordered that 500 copies be printed.

The Speaker laid before the House the following communication from the State Bank and branches, with the accompanying report :

OFFICE OF THE STATE BANK OF INDIANA, }
Indianapolis, January 9, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—Herewith please to receive the annual reports of the branches of this bank at Richmond, New Albany, South Bend and Fort Wayne. The reports of the State Bank and of each of the branches, made conformably to law, have been delivered to the State Printer some time ago.

Very respectfully,

JAMES M. RAY, *Cashier.*

Mr. Buskirk moved to refer the communication and accompanying reports to the committee on banks.

Which motion prevailed.

BILLS INTRODUCED.

Mr. Mellett introduced

Bill No. 21. 'A bill to repeal an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 22. An act to amend the seventy-sixth section of an act entitled "an act defining misdemeanors, and prescribing punishment thereof," approved June 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 23. An act to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.

Which was read a first time and passed to a second reading.

A message from the Senate, by Mr. Newland, Assistant Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 5. An act to amend the 32d and 75th sections of an act entitled "an act fixing the time of holding the courts of common pleas, and the length of terms thereof, in the several counties in this State," approved March 4, 1853.

The bill was read a first time and passed to a second reading.

Mr. Murray moved to suspend the order of business that the bill might be read a second time.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Merrifield, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckinpauqh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood, Wheeler and Mr. Speaker—90.

Mr. Todd, voted in the negative.

So the rules were suspended, the bill was read a second time, and,

On motion by Mr. Murray,
Was referred to a select committee.

Messrs. Murray, Sims, and Shryock, were appointed said committee.

Mr. Trusler introduced

Bill No. 24. An act to amend the first section of an act entitled "an act for the incorporation of cities;" approved June 18, 1852.
Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 25. An act to repeal section third of an act entitled "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State;" approved March 1, 1853.

Which was read a first time and passed to a second reading.

Mr. McConnell introduced

Bill No. 26. A bill to provide for a more equitable mode of publishing legal notices.

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House Bills on Second Reading.

House bill No. 8. A bill to regulate the election of United States Senator.

Was read a second time.

Mr. Murray moved to amend the second section by adding these words, "but not beyond one day, except it be Sunday, when they shall continue to ballot."

Which amendment was agreed to.

Mr. Hudson moved to refer the bill to the committee on the judiciary.

Which motion prevailed.

House bill No. 9. A bill authorizing railroad companies to create a preferred stock.

Was read a second time, and,

On motion by Mr. Walpole,

Was referred to the committee on corporations.

Bill No. 10. A bill to repeal all laws now in force for establishing the times of holding common pleas court in the district composed of the counties of Knox, Daviess, Pike, and Martin, and to fix the times of holding said court.

Was read a second time and ordered to be engrossed.

Bill No. 11. A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852.

Was read a second time, when,

On motion by Mr. Buskirk,

The bill was referred to the committee on the judiciary.

Bill No. 12. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties;" approved June 17, 1852.

Was read a second time.

Mr. Newcomb moved to strike out all after the enacting clause, and insert, "That it shall not be lawful for any agent or agents of any insurance company incorporated by any other State than the State of Indiana, directly or indirectly, to take risks, or transact any business of insurance in this State, without first producing a certificate of authority from the Auditor of State; and before obtaining such certificate, such agent or agents shall furnish the said Auditor with a statement, under the oath of the President or Secretary of the company for which he or they may act, which statement shall show—

First.—The name and locality of the company.

Second.—The amount of its capital stock.

Third.—The amount of its capital stock paid up.

Fourth.—The assets of the company, including—

1. The amount of cash on hand and in the hands of agents or other persons.

2. The real estate unincumbered.

3. The bonds owned by the company and how they are secured, with the rates of interest thereon.

4. Debts to the company secured by mortgage.

5. Debts otherwise secured.

6. Debts for premiums.

7. All other securities.

Fifth.—The amount of liabilities, due or not due, to banks or other creditors, by the company.

Sixth.—Losses adjusted and due.

Seventh.—Losses adjusted and not due.

Eighth.—Losses unadjusted.

Ninth.—Losses in suspense, waiting further proof.

Tenth.—All other claims against the company.

Eleventh.—The greatest amount insured in any one risk.

Twelfth.—The greatest amount allowed by the rules of the company, to be insured in any one city, town, or village.

Thirteenth.—The greatest amount allowed to be insured in any one risk.

Fourteenth.—The act of incorporation of such company.

Which statement shall be filed in the office of said auditor, together with a resolution under the seal of the company, signed by the President and Secretary, authorizing any agent to acknowledge service of process for and in behalf of such company, consenting that service of process upon all agents shall be taken and held to be valid, as if served upon the company according to the laws of this State, or any other State, and waiving all claim of error by reason of such service. And no insurance company incorporated by this or any other State, except mutual insurance companies of this State, shall transact any business of insurance in this State, unless such company is possessed of at least one hundred thousand dollars of actual capital, invested in stocks of at least par value, or in bonds or mortgages of real estate worth double the amount for which the same is mortgaged, and report the filing of the aforesaid statement and instrument with the Auditor of State, and furnishing him with satisfactory evidence of such instrument, as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to transact business of insurance, to the agent or agents applying for the same.

SEC. 2. It shall be unlawful for any agent or agents, of any company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State, without procuring a certificate of authority from the Auditor of State, such agent or agents having first filed, under oath, in the office of said auditor, a statement setting forth the charter or act of incorporation of the company for which he or they may act, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnished evidence to the satisfaction of the Auditor of State that such company has invested in stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars, and such stocks are held by citizens of the United States. And the said agent or agents of such company filing said statement, and furnishing evidence of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

SEC. 3. It shall be the duty of the company, its officers, or the agent or agents, in either of the foregoing sections mentioned before taking any risks, or transacting any business of insurance in this State, to file in the office of the clerk of the circuit court of

the county they are located in, or such agents reside, desire to establish an agency for such insurance company a copy of the statement required to be filed with the Auditor of State as aforesaid, together with the certificate of said Auditor, which shall be carefully preserved for public inspection, by said clerk; and also, to cause said statement and certificate to be published in some newspaper of general circulation in said county, for three successive weeks.

SEC. 4. The statement and evidence of investment required by this act, shall be rendered annually, in the month of January in each year—the first statement to be made in the month of January next: and the Auditor of State, on being satisfied that the capital, securities and investments remain secure, as at first, shall furnish a renewed certificate, as aforesaid, and the agent or agents obtaining such certificates, shall file the same, together with the statement on which it was obtained or renewed, in the clerk's office of the circuit court of the county in which such agency is established, and shall cause the same to be published in at least one newspaper of said county.

SEC. 5. Whenever any loss shall occur, of any property by any company authorized to take risks under this act, it shall be the duty of the agent by whom the insurance was made, to retain in his possession all moneys belonging to such company, which may then be, or may thereafter come into his possession, until such loss is adjusted and paid; *Provided*, that if suit shall be commenced by the party insured, against such company, the agent may deposit in court double the amount mentioned in the policy, to abide the event of the suit, or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss will not be paid, the agent may thereafter pay over to persons entitled, the moneys of said company. And if any person insured by such company meeting with a loss, shall notify any other agent of such company thereof, it shall be the duty of such agent to retain all moneys belonging to such company, which may then be or may thereafter come into his possession, as hereinbefore required of the agent with whom the insurance was effected.

SEC. 6. That copies of all papers required by this act to be deposited in the office of the Auditor of State, certified under the hand of such auditor, to be true and correct copies of such papers, shall be received as evidence in all courts and places, in the same manner, and have the same force and effect as the original would have if produced.

SEC. 7. Any person or persons violating the provisions of this act, shall upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding five hundred dollars, or imprisonment in the county jail not more than thirty days, at the discretion of the court. Violations of the provisions of this act may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

SEC. 8. This act to take effect and be in force from and after the first day of July, 1855."

On motion by Mr. Smith of Perry,

The bill and pending amendment were referred to the committee on corporations.

Bill No. 13. An act supplemental to the act, Revised Statutes 1852, entitled "an act to revise, simplify, and abridge the rules of practice, pleadings and forms in criminal actions in the courts of this State,"

Was read a second time, and,

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

Bill No. 14. A bill in relation to collections on contracts,

Was read a second time, and,

On motion by Mr. Buskirk,

Referred to the committee on the judiciary.

House Joint Resolutions on Second Reading.

No. 1. A joint resolution on the subject of postage.

Was read a second time.

Mr. Mellett moved to indefinitely postpone said joint resolution, Which did not prevail.

It was then ordered to be engrossed.

House Bills on Third Reading.

No. 6. A bill to fix the time of holding the courts of common pleas in the district composed of the counties of Perry, Spencer and Dubois,

Was read a third time,

And the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurray, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith

of Perry, Spotswood, Stanton, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wheeler, Wood and Mr. Speaker—92.

No member voted in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Brothwell,

The House adjourned till 9 o'clock on to-morrow morning.

THURSDAY MORNING, 9 o'clock, }
January 11th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

The Speaker appointed the following committees:

Messrs. Clark of Steuben, Hunt, Clark of Tippecanoe, McCord and Buskirk, on resolution No. 2, which was reported by the committee of the whole on the Governor's Message.

Messrs. Stanton, Brazelton, Smith of Lagrange, Peden and Landers, on resolution No. 9, of said report of the committee of the whole.

Messrs. Buskirk, Murray, Branham, Test and Frazer, on resolution No. 7, of said report.

Messrs. Sanford, Wilson, Mellett, Gilham and Studabaker, on resolution No. 12, of said report.

Mr. Test presented a memorial from the yearly meeting of Friends, praying the passage of a law prohibiting the manufacture and sale of ardent spirits as a beverage.

Which was,

On motion by Mr. Walpole,

Referred to the committee on temperance, and ordered to be spread upon the journal.

Which is in the words and figures following, to-wit :

MEMORIAL ON TEMPERANCE, &c.

To the Senate and House of Representatives of the State of Indiana.

The Memorial of Indiana Yearly Meeting, composed of that portion of the religious society of Friends residing in the western part of Ohio, Indiana, Illinois and Iowa, respectfully represents :

That actuated by a desire to be found faithful in promoting the great work of righteousness, peace and temperance in the earth, and having the welfare of our beloved country at heart, we believe it to be our imperative duty to unite with a large number of our fellow-citizens, who are petitioning for legal enactments for the suppression of intemperance, and of the commerce in intoxicating liquors, except for medicinal and mechanical purposes.

More than thirty years since we adopted the following rule of discipline for the regulation of our members, viz :

“Whilst therefore we hold it to be an indubitable truth, that moderation and temperance are inseparable from the Christian religion, we affectionately beseech our members to abstain from all appearance of evil in relation thereto; and particularly as respects the use of intoxicating liquors of every description. Is it not affecting to be observed that a baneful excess in drinking spiritous liquors is prevalent amongst many of the inhabitants of our land? How evident are the corrupting, debasing and ruinous effects consequent upon the importation, distillation, and retailing of them, whereby intemperance is greatly aided and encouraged, to the impoverishment of many, distempering the constitutions and understandings of many more, and increasing vice and dissoluteness in the land, with which many religiously attentive minds have long been painfully exercised!

“It is the fervent desire of the Yearly Meeting, that Friends in all quarters may be earnestly excited to suffer the affecting importance of this evil, religiously to impress their minds, and that monthly meetings may labor in the spirit of love and tenderness with those who use ardent spirits as an article of drink in harvest, or on other occasions, the medical use only excepted, and also with those who sell or grind grain for distillation, or furnish fruit or other materials for that purpose; and also such as aid the business by furnishing vessels to prepare or hold such liquors, or are concerned in conveying it to or from market, or vend, or in any wise aid the commerce of that article. And if such labor prove ineffectual to reclaim from the practice or encouragement of so desolating an evil, and after the hope of gaining such by brotherly treatment is over, monthly meetings may proceed to disown them.” Book of Discipline, pp. 59-60.

After so many years' experience as a society, we can testify to the practical utility of such a provision, and to the fact that no difficulty has been found in carrying it thoroughly into execution. This being our practice, we feel the more emboldened to encourage the extension of the same rule to the community at large.

As "godliness is profitable unto all things, having promise of the life that now is, and of that which is to come," and as temperance is necessary to prepare the way for godliness, we are deeply impressed with the belief that every measure which will tend to increase virtue and morality in the community, and stay the desolating evils of intemperance, will, in the end, be found to result, in every respect, advantageously to the public.

We, therefore, especially but earnestly request that you will enact such a law, or laws, as will entirely prohibit the importation, distillation, and sale of intoxicating liquors, except for medicinal and mechanical purposes.

In conclusion, feeling that in the making and administration of our laws, we are responsible to Him who ruleth among the nations of the earth, and measureth out retribution upon those who obey not His gospel, our prayers are that you may be guided by best wisdom to the enactment of such laws as will tend the most effectually to suppress the evils of intemperance.

Signed on behalf of the Yearly Meeting of Friends aforesaid, held at Whitewater, near Richmond, Indiana, by adjournment, on the fourth day of the tenth month, 1853.

ELIJAH COFFIN, *Clerk.*

Mr. Brothwell presented a petition from certain citizens of the county of Noble, on the subject of the desecration of the Sabbath.

Which was,

On his motion,

Referred to the committee on the rights and privileges of the inhabitants of the State of Indiana.

On motion by Mr. Landers,

Mr. Hall of Warren was added to the committee on temperance.

Mr. Test presented a petition from Isaac P. Smith, asking remuneration for services rendered the State in superintending the erection of the new penitentiary, at Jeffersonville.

Which was,

On motion by Mr. Test,

Referred to the committee on claims.

On motion by Mr. Shanks,

Mr. Test was added to the committee on the judiciary.

On motion by Mr. Carnahan,

Mr. Hume was added to the committee on temperance.

REPORTS OF STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary made the following report.

MR. SPEAKER:

The committee on the judiciary to whom was referred resolution of the House No. 8, instructing this committee to inquire into the propriety of reporting a bill supplemental to "an act entitled an act to exempt property from sale in certain cases, approved Feb. 17th, 1852," requiring the debtor to make out a correct list under oath, of all his property, both real and personal, including dues, demands and cash on hand," have had the same under consideration, and direct me to report that in their opinion, further legislation on the subject is unnecessary; and they ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Murray from the committee on the judiciary made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 11, entitled "an act to amend an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, &c., &c.,' approved June 18th, 1852," have had the same under consideration, and direct me to report the same back with an amendment, and when so amended, they recommend its passage.

Amend by striking out the words "as readily" in the 8th line of the amendment.

Which report was concurred in and the amendment adopted.

Bill No. 11. A bill to amend an act entitled an "act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 8th, 1852.

Was read a second time and ordered to be engrossed.

Mr. Murray from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the resolution instructing this committee "to inquire into the expediency of reporting a bill making it lawful to collect ten per cent. interest per annum, when the contract has been so made, and committed to writing," have had the subject under consideration, and direct me to report that a bill of that character is now before the House, and they ask to be discharged from the further consideration of the subject.

Which report was

On motion,
Concurred in.

Mr. Murray from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred so much of the Governor's message "as relates to the organization of secret societies," beg leave to report that they have had the subject under consideration, and direct me to report that, in their opinion, no further legislation is necessary, the law already provides means for the suppression of the evil complained of, and they ask to be discharged from the further consideration of the subject.

Which was,

On motion by Mr. Buskirk,
Laid upon the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Test offered the following report from the select committee, composed of the representatives of the seventh judicial circuit:

MR. SPEAKER:

The select committee, composed of all the members of this House from the seventh judicial circuit, have had under consideration House bill No. 7, entitled a bill to abolish the seventh judicial circuit, and have amended the same by striking out said bill from the enacting clause and inserting the accompanying amendment, to which amendment they unanimously ask the concurrence of this House, and the passage of the bill as amended, with the exception of the representative from Blackford. All of which is respectfully submitted.

SEC. 1. That the seventh judicial circuit of the State of Indiana be, and the same is hereby abolished, and that all laws creating the same, or fixing the times of holding the several courts therein, be and the same are hereby repealed.

SEC. 2. That a twelfth judicial circuit is hereby created, and consists of the counties of Wayne, Henry, Randolph, Jay and Blackford.

SEC. 3. The terms of the courts in said counties shall be holden as follows, to-wit: In the county of Wayne on the first Mondays of March and September in each year; in the county of Henry on the Mondays succeeding the courts in the county of Wayne; in the county of Randolph on the Mondays succeeding the courts in the county of Henry; in the county of Jay on the Mondays succeeding the courts in the county of Randolph; in the county of Blackford on the Mondays succeeding the courts in the county of Jay. The said courts, if the business thereof so require it, shall sit in the counties of Randolph and Jay two weeks, in the county of Blackford one week, and in Wayne and Henry three weeks each term.

SEC. 4. That the county of Delaware shall be attached to and form a part of the eleventh judicial circuit until the first day of August, 1855, after which time said county shall be attached to and form a part of the twelfth judicial circuit hereby created; and the first term of said court shall be holden on the second Monday succeeding the court in the county of White, and thereafter on the Mondays succeeding the courts in the county of Blackford, and at each of the terms of said court shall sit two weeks, if the business thereof requires it.

SEC. 5. All writs, subpoenas, venires, rules, orders of court, recognizances, publications, and processes whatever, which may have issued from said circuit courts in said counties since the last session thereof, or which may hereafter issue, previous to the commencement of said terms, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said court to be holden in virtue of this act.

SEC. 6. It is hereby declared that an emergency exists for declaring this law in force from and after its passage, wherefore this act shall be in force from and after its passage.

Mr. Shull moved to amend the amendment by inserting the words "two weeks in the county of Blackford if the business require it," in the place of the words "one week" in the latter part of the third section.

Which motion prevailed.

Mr. Walpole moved to indefinitely postpone the bill and amendments.

Mr. Walpole withdrew his motion.

Mr. Meredith moved to grant Mr. Ellis leave of absence until Monday next, on account of sickness in his family.

Which motion prevailed.

On motion by Mr. Murray,
The House adjourned till 2 o'clock.

2 o'clock, P. M.

The House met.

On motion by Mr. Humphreys,
A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Earl, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Turner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wood, Mr. Speaker—80.

On motion by Mr. Carnahan,
A further call of the House was suspended.

Mr. Walpole moved to recommit House bill No. 7, and the pending amendments, to a select committee of one from each judicial circuit, and,

The question being put,

The ayes and noes were demanded by Messrs. Walpole and Humphreys.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hardin, Hargrove, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lem-

mon, Lewis, Logan, Lowe, McClure, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shull, Studabaker, Tanner, Usry, Walpole, Weir, Williamson—39.

Those who voted in the negative were,

Messrs. Bartholomew, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, King of Johnson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, Mr. Speaker—56.

So the motion to recommit the bill did not prevail.

Mr. Humphreys offered the following amendment:

“Amend by adding in the emergency clause, that Judge Anthony is a poor, lame, crippled, old, imbecile democrat, and therefore the object is to get him out as soon as possible.”

On motion by Mr. Test,

The amendment was laid upon the table.

The question then recurring upon the amendment as proposed by the committee,

It was adopted.

The bill was read a second time and ordered to be engrossed.

RESOLUTIONS INTRODUCED UPON LEAVE OBTAINED.

On motion by Mr. Hudson,

Resolved, That the Auditor report to this House, at an early day, how many stocks, if any, he has retransferred, upon receiving and canceling an equal amount of the circulating notes of any bank, as is contemplated in section 9 of “an act to authorize and regulate the business of general banking;” approved May 28, 1852.

On motion by Mr. Shryock,

Resolved, That the Auditor of State be requested to ascertain, at as early a period as practicable, from the several auditors of the counties of this State, the amounts by them respectively allowed and paid for the annual expenses of the common pleas courts, including the salary of the judges, jury fees, and other expenses incident to said courts, and that he report the same to this house.

On motion by Mr. Essex,

Resolved, That the members of this House respectfully invite the superintendent of the asylum for the education of the Deaf and Dumb, and also the superintendent of the asylum for the education of the Blind, to hold exhibitions of the proficiency of the pupils under their respective charges, for the information of the members of the General Assembly, on such evenings as each of them may select.

Resolved, further, That the doorkeeper be instructed to inform the superintendent of the asylum for the education of the Deaf and Dumb, and also the superintendent of the asylum for the education of the Blind, of the passage of this resolution, and report to this House the time at which it will be convenient for them to hold such exhibitions.

On motion by Mr. Jeter,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of enacting a more stringent law compelling canal companies to keep in good repair all bridges over canals where public highways cross the same.

On motion by Mr. Logan,

Resolved, That the committee on swamp lands be instructed to inquire into the expediency of so amending the thirty-seventh section of the act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of the grant," so as to make the same subject to entry at seventy-five cents per acre, and to insure their sale and speedy settlement.

On motion by Mr. Harryman,

Resolved, That the committee on fees and salaries be requested to inquire into the expediency of reporting a bill amending the seventh clause of the first section of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same," so as to read as follows, to wit: "To the prosecuting attorneys of the several judicial circuits, eight hundred dollars each."

On motion by Mr. Walpole,

Resolved, That the committee on the rights and privileges of the inhabitants of the State of Indiana, be instructed to inquire into the constitutional duty of the present General Assembly to provide by law for houses of refuge for the correction and reformation of

juvenile offenders, with leave to report by bill or otherwise.

. On motion by Mr. Beach,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of repealing an act to provide for the erection and repair of bridges, approved May 22, 1852, and of providing by law that all appropriations in money for the erection and repair of bridges, shall be made from the several county treasuries of the State, and that they report by bill or otherwise.

On motion by Mr. Bonner,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing or *essentially* modifying the statute upon the subject of descents, approved May 14, 1852, and report by bill or otherwise.

Mr. Smith of Lagrange offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the 27th section of an act to provide for the opening, vacating, and change of highways, approved June 17, 1852, as to prohibit township trustees from changing State and county roads running through their several townships; also to amend section 39 of said act, so that no county road shall be less than forty feet wide.

Which was not adopted.

On motion by Mr. Peden,

Resolved, That so much of the Governor's Message as refers to the organization of the militia, together with the report of the Adjutant General, be referred to the committee on military affairs.

Mr. Hervey offered the following resolution:

WHEREAS. The general banking law, approved May 28, 1852, has failed to accomplish the object for which it was created, And WHEREAS, it has proved prejudicial to the monetary interest of the country, resulting in a heavy loss to our citizens, and entirely destroying public confidence in the State stock system, therefore,

Resolved, That the committee on banks be requested to inquire into the expediency of repealing the entire system, and authorizing the establishment of a bank with branches, established at the different important points of trade in the State, making all the branches responsible for each other's liabilities upon all paper credit

issued as money, and that said committee report upon the same by bill or otherwise.

Which was adopted.

On motion by Mr. Hume,

Resolved, That the committee on banks be instructed to inquire into the expediency of prohibiting the circulation of bank notes, whether of this or of any other State, of a less denomination than five dollars from and after the 4th day of July next.

On motion by Mr. Buskirk,

Resolved, That the committee on benevolent and scientific institutions be directed to report a bill to amend the laws for the government of the Institution for the Education of the Blind and the Hospital for the Insane, in such a manner that said Institutions shall be governed by the 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24th sections, and the proviso to the 1st section of the act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb."

Which,

On motion by Mr. Buskirk,
Was laid on the table.

On motion by Mr. McClure,

Resolved, That the committee on corporations inquire into the expediency of repealing the fifth section of an act of 1853, entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed."

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
January 12th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

On motion by Mr. Lowe,

Leave of absence was granted to Mr. Shull, till Monday morning next, on account of sickness in his family.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hardin,

A petition from sundry citizens of Vanderburg county, on the subject of education.

Which,

On motion by Mr. Hardin,

Was referred to the committee on education.

REPORTS FROM STANDING COMMITTEES.

Mr. Frazer, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education who were directed by resolution of the House, to inquire into the expediency of re-organizing school districts, &c., have had the subject under consideration, and have directed me to report that such legislation is, in their opinion, inexpedient, and the committee ask to be discharged from further consideration of the subject.

Which was not concurred in,

When,

On motion,

The report and resolution was referred to a select committee, of Messrs. Jeter, Mellett and Tackett.

Mr. Frazer, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, having been directed by resolution of the House, to inquire whether by existing law, persons over the age of twenty-one years, have the privilege of attending the public schools, &c., &c., have according to order had that subject under consideration, and have instructed me to report that in their opinion, such persons are not by law entitled to the benefits of the common school fund. But inasmuch as said committee has not been constituted with a view to the solution of difficult questions of law, arising upon the construction of statutes, I am directed to recommend that the inquiry be referred to the committee on the judiciary.

Which was concurred in.

On motion by Mr. Frazer,

The aforesaid resolution was referred to the committee on the judiciary.

Mr. Frazer, from the committee on education, offered the following report:

MR. SPEAKER:

The committee on education who were directed by resolution of the House, to inquire into the expediency of so amending the common school law, that all assessments and collections &c., for school purposes shall be distributed in the counties in which collected, have had that subject under consideration, and have unanimously instructed me to report that, in their opinion, the constitution of the State prohibits such legislation, and that, aside from this consideration, it would be inexpedient and unwise.

Your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Hargrove moved to refer the resolution to a select committee, composed of Messrs. Mellett, Jeter and Tackett.

Which motion prevailed.

Mr. Smith of Perry, from the committee on corporations, offered the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 2, being a bill to amend an act entitled "an act to incorporate the Indiana cotton mill; approved February 15th, 1848," have had the same under consideration, and direct me to report the same back to the House, and to recommend its passage.

The report was concurred in.

Whereupon the bill was ordered to be engrossed.

Mr. Clark, from the committee on engrossed bills, reported as follows:

MR. SPEAKER:

The committee on engrossed bills have examined the following engrossed joint resolution and bills, to-wit: House joint resolution No. 1, and House bills Nos. 6 and 10, and find that the same have been correctly engrossed.

Mr. Monks, chairman of the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared enrolled House bill No. 1, with the engrossed copy thereof, and find the same correctly enrolled.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Huffstetter,

Resolved, That the committee on the judiciary, be instructed to inquire whether the State has the right to tax the Wabash and Erie canal, and property belonging thereto; to report by bill or otherwise.

Mr. Hunt offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the common school law, so as to elect one trustee in each township, whose duty it shall be to take charge of the educational affairs of his township, and said trustee shall be both clerk and treasurer of said township; he shall be required to give bond and security in such sum as shall be sufficient for the safe keeping and proper disbursement of all moneys that may come into his hands for educational purposes; said bond to be approved by the auditor of the proper county, whose books shall be open at all times for the inspection of any person interested; and said trustee shall be required to settle with the auditor.

On motion by Mr. Mellett,

The resolution was referred to the committee on education.

Mr. Clark of Tippecanoe offered the following resolution:

Resolved, That the committee on banks be instructed to inquire into the expediency of receiving into the State treasury, in pay-

ment of taxes and other claims due the State, the bills of specie-paying banks, and all other free banks whose bonds are drawing six per cent. interest, and report by bill or otherwise.

Mr. Buskirk moved to amend by inserting after the words "six per cent. interest," these words: "except Indiana bonds."

Which amendment was not adopted.

Mr. Sidwell moved to lay the resolution on the table.

Messrs. Newcomb and Hardin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Earl, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spottswood, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Williamson, Wilson, Wheeler, Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Buskirk, Clark of Tippecanoe, Davis, Gordon, Hillyer, Humphreys, McClure, McFarland, McMurry, Montgomery, Smith of Perry, Stanton, Tanner, Walpole, Weir—15.

So the resolution was laid upon the table.

On motion by Mr. Hall of Warren,

Resolved, That the hall of this House be tendered to the Rev. Mr. Hume, on Sunday next, at half past 10 o'clock A. M., for the purpose of divine worship.

Mr. King of Johnson offered the following resolution:

WHEREAS, The number of officers under our common school law, through whose hands our school money has to pass, are so numerous that the amount of school funds are greatly decreased to pay fees, &c., therefore,

Be it resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law of our State, that the number of officers may be reduced, and that the school money shall not pass into the hands of township officers, but that they may give orders to the county treasurer, and that all

money necessary for school purposes be drawn by their employees directly from his hands; and further, that they be also instructed to inquire into the expediency of so amending said law, that each county may retain its own funds that are raised by taxation.

Mr. Frazer moved to strike out these words: "and further, that they be also instructed to inquire into the expediency of so amending said laws that each county may retain its own funds that are raised by taxation."

Which motion prevailed.

The question then recurring on the resolution as amended, It was adopted.

Mr. Cotton offered the following resolution:

Resolved, That the House will, the Senate concurring, go into the election of State Printer on to-morrow, at 2 o'clock P. M.

On motion by Mr. Hudson,
The resolution was laid upon the table.

Mr. King of Johnson offered the following resolution:

Resolved, That the committee on the rights and privileges of the inhabitants of the State of Indiana, be instructed to inquire into the expediency of enacting a law allowing a plurality of wives and *vice versa*.

Which was not adopted.

Mr. Gifford offered the following resolution:

Resolved, That this House will not be able to do any business until the members constituting the lobby, adjourn *sine die*.

On motion by Mr. Huffstetter,
The resolution was laid upon the table.

Mr. Mellett offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of abolishing the office of Superintendent of Public Instruction at the close of the year 1855.

Which was not adopted.

Mr. Hardin offered the following resolution:

Resolved, That when this House adjourn, it shall adjourn to meet next Monday at 9 o'clock, A. M.

Which motion did not prevail.

Mr. Shryock offered the following resolution:

Resolved, That the committee on ways and means inquire into the expediency of authorizing by law the treasurers of the several counties of this State to enter upon the margin of the duplicate, opposite the name of the tax payer, the kind of funds offered and refused by him, and in all cases where the tax payer shall be the owner in fee of real estate, he shall be subject to no cost except such as now attaches to the return of the delinquent tax, and also defer the sale of real estate so returned for delinquent tax until the first day of January, 1857.

Which resolution was not adopted.

The Speaker laid before the House the following communication from the Indianapolis branch of the State Bank of Indiana, with the accompanying report.

BRANCH OF THE STATE BANK OF INDIANA, }
Indianapolis, Jan. 6, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives :

DEAR SIR:—Please lay before the House over which you preside, the accompanying report of the condition of this bank as appeared on our books Nov. 18, 1854.

Respectfully yours,

THOS. H. SHARPE, *Cashier*.

The Speaker laid before the House the following communication from the Assistant Clerk:

MR. SPEAKER:

In obedience to a resolution of the House, I report that I have employed Robert O. Dormer and Levi L. Todd, as my assistants, who have been in attendance since the first of the session.

Respectfully submitted,

JOHN COBURN, *Ass't Clerk*.

Mr. Shull introduced the following resolution:

Resolved, That the committee on education be instructed to inquire into the necessity of amending the common school law, by increasing the present tax one-fourth of one mill on the dollar, and making limited allowances for services to the township trustees.

Which motion was not adopted.

On motion by Mr. Studabaker,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law that

the school trustees will become officially liable for the safe keeping of the school libraries and report by bill or otherwise.

Mr. Hillyer offered the following resolution :

Resolved, That the committee on banks be instructed to inquire into the expediency of classifying the non-specie paying banks of the State according to the market value of the stocks deposited as a basis for their circulation, and instructing the State Treasurer to authorize the county treasurers to receive the issues of said banks at the value fixed by such classification.

Which resolution was not adopted.

Mr. Murray moved that the House adjourn till 2 o'clock, P. M.

Which motion did not prevail.

BILLS INTRODUCED.

Mr. Coen introduced

Bill No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of the highways, and prescribing certain of the duties and those of county and township officers," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Lowe introduced

Bill No. 28. A bill to amend an act fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, approved March 4, 1853.

Which was read a first time and passed to a second reading.

Mr. Williamson introduced

Bill No. 29. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State."

Which was read a first time and passed to a second reading.

Mr. Hillyer introduced

Bill No. 30. A bill to amend section thirteen of an act entitled "an act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852.

Which was read a first time and passed to a second reading.

Mr. Sidwell introduced

Bill No. 31. A bill to amend an act entitled "an act for the incorporation of high schools, academies, universities, theological institutes, and missionary boards," approved May 13, 1852.

Which was read a first time and passed to a second reading.

Mr. Cain introduced

Bill No. 32. A bill to amend the 14th and 25th sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved January 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Hardin introduced

Bill No. 33. A bill providing for the immediate repeal of an act to authorize and regulate the business of general banking, approved May 28, 1852.

Which was read a first time and passed to a second reading.

On motion,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

BILLS INTRODUCED.

Mr. Sanford introduced

Bill No. 34. A bill to repeal an act prohibiting the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest, approved February 14, 1853.

Which was read a first time and passed to a second reading.

Mr. Harryman introduced

Bill No. 35. A bill to amend an act for the incorporation of cities, approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Merrifield introduced

Bill No. 36. A bill to amend the eighteenth, twenty-fourth, twenty-fifth, and twenty-sixth sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, and adding two supplemental sections to said act.

Which was read a first time and passed to a second reading.

Mr. Frazer introduced

Bill No. 37. A bill to repeal section ninety-four, chapter ten, of Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

HOUSE BILLS ON THEIR SECOND READING.

No. 15. A bill to amend the first section of an act entitled "an act concerning the interest on money."

Which was read a second time, and,

On motion by Mr. Buskirk,

Referred to the committee on the judiciary.

No. 16. A bill to amend section 33, article 3, of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State; to abolish distinct form of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time.

Mr. Walpole moved to postpone indefinitely the bill.

Which motion prevailed.

No. 17. A bill amendatory of the law for the assessment of damages against railroad companies for property appropriated to railroad purposes, and to limit the time within which suits for such damages shall be commenced.

Was read a second time, when,

On motion by Mr. Buskirk,

The bill was referred to the committee on corporations.

No. 18. An act amending the third section of an act for the incorporation of county libraries; approved June 18, 1852.

Was read a second time and,

On motion by Mr. Studabaker,

Was referred to the committee on county and township business.

Mr. Buskirk moved to give to the committee the following instructions: "To strike out 5 per cent. for commission of treasurer, and insert 2 per cent."

Which motion prevailed.

No. 19. A bill to amend the fourth section of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals;" approved February 16, 1852.

Was read a second time.

Mr. Clark of Rush moved to refer the bill to the committee on fees and salaries.

Mr. Shryock moved to refer to said committee with instructions to inquire into the expediency of striking out "15 cents a hundred words," and insert "20 cents a hundred words."

Which did not prevail.

The question then recurring upon the original motion,

The bill was referred without instructions.

No. 20. A bill to amend the eighteenth section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a second time, and,

On motion by Mr. Logan,

Was referred to the committee on roads.

No. 21. A bill to repeal certain portions of an act entitled "an act providing for the settlement of decedents' estates; prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto; and certain forms to be issued in such settlement;" approved June 17, 1852.

Was read a second time.

Mr. Trusler moved to refer the bill to the committee on the judiciary

Mr. Studabaker moved to amend by referring, with instructions as follows:

"To revise the act for the settlement of decedents' estates, and report a bill likewise"

Mr. Mellett called for a division of the question.

The Speaker decided that the same was susceptible of division.

The question then being on the motion to refer,

The bill was so referred.

The question then being upon the instructions of Mr. Studabaker to the committee,

Mr. Walpole moved to amend the instructions by adding these words: "if the committee deem the act referred to, to be unconstitutional and void."

Which motion prevailed.

On motion by Mr. Bonner,

The bill and pending instructions were laid on the table.

No. 22. A bill to amend the seventy-sixth section of an act entitled "an act defining misdemeanors, and prescribing punishments therefore," approved June 14, 1852,

Was read a second time.

On motion by Mr. Smith of Perry,

The bill was referred to the committee on the judiciary.

No. 23. A bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852,

Was read a second time.

Mr. Smith of Perry offered the following amendment:

SEC. 2. When any river or creek shall be the boundary between two counties, any person or persons, or corporations holding lands on either side of said river or creek, who shall desire a public ferry across the same, shall apply to the board of county commissioners for the county in which such lands lie, who are hereby authorized to establish such ferry from the land of such applicant to the opposite side; and in such case a certified copy of the order establishing such ferry shall be transmitted to the Auditor of the county on such opposite side at the expense of such applicant, and thereafter such county may assess a tax for license for such ferry, in a sum not exceeding, for both counties, the amount charged for such ferries where one county alone is concerned, half of which tax shall be assessed by each county. Nothing in this act shall be construed to make any person liable for crossing his own property or that of another, where he does not receive pay for the same."

On motion by Mr. Smith of Perry,

The bill and amendment was referred to the committee on roads.

No. 24. A bill to amend the first section of an act entitled "an act for the incorporation of cities," approved June 18, 1852,

Was read a second time, and,

On motion by Mr. Shryock,

Was referred to the committee on corporations.

No. 25. A bill to repeal section 3, of an act entitled "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad companies in this State,

Was read a second time.

On motion by Mr. Test,

The bill was referred to the committee on corporations.

On motion by Mr. Buskirk,

The House adjourned till Monday 2 o'clock P. M.

MONDAY. 2 o'clock, P. M. }
January 15, 1855. }

The House met, pursuant to adjournment.

The journal of Friday was read and adopted.

The Speaker being absent,

Mr. Murray was called to the chair, *pro tem*.

Mr. Charles E. Sturgis, the Representative elect from the county of Allen, appeared, produced his credentials, was sworn into office by the Speaker, and took his seat.

PETITIONS, MEMORIALS, &C., PRESENTED.

Mr. Newcomb presented a memorial from Charles Woodward.
When,

On motion by Mr. Newcomb,
It was referred to the committee on claims.

By Mr. Meredith,

A petition from sundry citizens of Wayne county, on the subject of banks.

Which,

On motion by Mr. Walpole,
Was referred to the committee on banks.

By Mr. Turner,

A memorial from sundry citizens of Lake county, on the subject of temperance.

Which,

On motion by Mr. Huffstetter,
Was referred to the committee on education.

By Mr. Turner,

A petition from sundry citizens of Lake county, on the subject of township libraries.

Which,

On motion by Mr. Turner,
Was referred to the committee on education.

By Mr. Turner,
A petition from sundry citizens of Lake county, on the subject
of draining lands.

Which,

On motion by Mr. Turner,

Was referred to a select committee, consisting of Messrs. Turner, Hall of Laporte, and Huffstetter, with instructions to report a bill in accordance with the prayer of said petitioners.

Mr. Hervey moved to grant leave of absence to Mr. Monks, on account of sickness in his family.

Which motion prevailed.

The following message was received from the Senate by Mr. Turman their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof.

Bill No. 25. A bill to fix the time for holding the circuit courts in the eighth judicial circuit, and repealing all laws in conflict therewith. In which the concurrence of the House is respectfully requested.

The said bill was then read a first time and passed to a second reading.

Mr. Clark of Tippecanoe, moved to suspend the rules to allow said Senate bill, No. 25, to be read the second time.

The question being put.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpough, Peden, Peyton, Sanford, Schoonover, Sturgess, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamson, Wood—84.

So the rules were suspended and the bill was read a second time.

Mr. Clark moved to amend by filling the blank before the word "weeks," by inserting the word "six."

Which motion prevailed.

The bill was then ordered to be engrossed.

Mr. Clark moved to suspend the rules, and allow the bill to be read a third time.

The question being put,

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamson, Wilson, Wood—84.

So the bill was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Sturgis, Smith of Lagrange, Smith of Perry, Spottswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamsom, Wilson, Wheeler, Wood—87.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

REPORTS OF STANDING COMMITTEES.

Mr. Tackett, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a resolution of the House, and a memorial from the State Board of Agriculture, on the subject of sheep-killing dogs, have had the same under consideration, and a majority have directed me to report that the subject matter of said resolution and memorial is provided for in chapter 99, page 457, of 1st volume Revised Statutes of 1852; and that further legislation is unnecessary, and the committee desires to be discharged from a further consideration thereof.

The report was concurred in.

Mr. Merrifield, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred that part of the Governor's message which relates to agriculture, have had the same under consideration, and have directed me to report, that in the opinion of this committee it would be expedient to pass a law authorizing an appropriation of at least three thousand dollars to defray the expenses of a geological survey of the State.

On motion by Mr. Test,
The report was laid upon the table.

RESOLUTIONS INTRODUCED.

On motion by Mr. Lowe,

Resolved, That the committee on the judiciary be requested to examine the law relative to deeds of conveyance, with a view of dispensing with the use of seals, also legalizing deeds heretofore made without seals, with leave to report by bill or otherwise.

On motion by Mr. Hervey,

Resolved, That the committee on county and township business be requested to inquire into the expediency of transferring the business of township officers—opening, making, and vacating highways—to county officers, and that they be requested to report by bill or otherwise.

HJS

On motion by Mr. Cain,

Resolved, That the committee on elections be instructed to inquire into the expediency of amending the 22d section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved January 7, 1852, which reads as follows: "If the person challenged take such oath, he shall be permitted to vote, and it shall not be lawful thereafter for said Board to examine any witness touching his qualifications; but if he refuse to take such oath, they may swear and examine other witnesses"—so as to make it lawful for said Board, after the person so challenged has taken such oath, or refuses to take such oath, to examine other witnesses before his vote be taken, in order to ascertain the legality of his vote.

On motion by Mr. Newcomb,

Resolved, That the Treasurer of State be requested to transmit to this House copies of all circulars issued by him to county treasurers, relative to the reception or refusal by them of the paper of the free banks of this State, for taxes; and to state, also, what amount of the issues of said banks are now in the State treasury, and what proportion of said issues consist of other than specie paying banks

On motion by Mr. Smith of Lagrange,

Resolved, That the committee on banks be instructed to ingraft in a free bank bill a clause making one-half of all the stocks deposited, owned in good faith by resident citizens of this State.

On motion by Mr. King of Madison,

Resolved. That the committee on county and township business be instructed to inquire into the expediency of so amending the 11th section of an act entitled "an act for the more uniform mode of doing township business," so as to require township trustees to hold stated meetings of their board at given periods, with leave to report by bill or otherwise.

On motion by Mr. Tackett,

Resolved, That the committee on banks be and are hereby instructed to inquire into the expediency of the free banks giving additional security to the amount of their bonds, which have depreciated in value from the date they were deposited as banking stock.

Mr. Walpole offered the following resolution:

Resolved, That the committee on banks be instructed to report to this House a bill repealing the free banking law, and providing for the liquidation and settlement of all demands against the banks organized under said act, and giving preferment of payment to the billholder, and providing a summary remedy for all deficits after the disposal of the collateral security.

Mr. Shanks moved to lay the resolution upon the table.

Upon which,

Messrs Walpole and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Todd, Trusler, Turner, Wheeler, Wood—54.

Those who voted in the negative were,

Messrs. Alden, Cotton, Crozier, Davis, Gordon, Gwinn, Hargrove, Hervey, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Linders, Lemmon, Logan, Lowe, McClure, Martin, Miller, Montgomery, Schoonover, Smith of Perry, Sturges, Tanner, Test, Thomas, Usry, Walpole, Williamson, Wilson—32.

So the resolution was laid upon the table.

On motion by Mr. Brothwell,

Resolved, That the committee on swamp lands be instructed to inquire into the expediency of so amending the 41st section of chapter 104, of the Revised Statutes, as to authorize the county treasurer to prosecute, in the name of the State of Indiana, any person or persons who shall commit a trespass on any of the swamp lands by overflowing the same.

Mr. Gilham offered the following resolution:

Resolved, That the committee on banks be instructed to present a free bank bill to this House, embracing among other conditions, one compelling the banker to deposit \$125 worth of stock or bonds for every \$100 of a circulation issued by him.

Mr. Newcomb moved to amend the resolution by striking out \$125, and inserting \$130.

Mr. Walpole move to amend the amendment by adding after the words '\$130,' these words, 'and 50 per centum in gold and silver coin.'

Mr. Brothwell moved to lay the resolution and pending amendments on the table.

Upon which, Messrs. Landers and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hillyer, Hudson, McConnell, McCord, McMurray, Malick, Meredith, Merrifield, Murray, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Thomas, Todd, Trusler, Turner, Usry, Wheeler and Wood—49.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Clark of Tippecanoe, Cotton, Crozier, Davis, Essex, Gordon, Gwinn, Hargrove, Harryman, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Newcomb, Peden, Peyton, Schoonover, Studabaker, Sturges, Tanner, Test, Walpole, Williamson and Wilson—37.

So the resolution and amendments were laid upon the table.

On motion,

The House adjourned till 9 o'clock on to-morrow morning.

TUESDAY MORNING 9 O'CLOCK, }
JANUARY 16TH, 1855. }

House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Turner,

From Henry Wells, treasurer of Lake county, and sundry other citizens of said county, on the subject of the late losses of the funds of Lake county.

On motion by Mr. Landers,

The petition was referred to the committee on claims.

By Mr. Hall of Laporte,

A petition from sundry citizens of the county of Laporte, on the subject of the desecration of the Sabbath.

Which,

On his motion,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

The speaker laid before the House the following communication from his excellency, Joseph A. Wright.

EXECUTIVE DEPARTMENT, IND., }
JANUARY 15TH, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—You will please lay before the House of Representatives, the enclosed joint resolutions of the State of Rhode Island.

Very respectfully,

JOSEPH A. WRIGHT.

Which,

On motion by Mr. Buskirk,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

The speaker laid before the House the following communication from the Superintendent of Public Instruction.

DEPARTMENT OF PUBLIC INSTRUCTION, }
JANUARY 15TH, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

DEAR SIR:—I have just reached that part of my forthcoming report, that enables me to reply to the resolution of the House of last Wednesday, calling for information on the question of the cost of a six month's school throughout the State.

The following facts constitute the basis of the calculation that furnishes the results sought:

Number of school children,.....	445,706
Average wages per month of male teachers,.....	\$23 01
Average wages per month of female teachers.....	15 62
Cost of one month's instruction by each,	38 63
Cost of three month's instruction by each,.....	115 89
On the supposition of fifty pupils to a school, we should have in the State schools,.....	89 14
Aggregate expense of their instruction,.....	1,033,043 46
A three mill tax will produce,.....	871,254 44
Nett income of common and special school fund,....	170,194 01
Aggregate of these two sums,.....	1,041,448 45

This total will furnish the information the resolution called for, and will, I trust, be satisfactory to the House.

Yours respectfully,

CALEB MILLS, *Superintendent.*

On motion by Mr. Buskirk,

The communication was referred to the committee on education.

The Speaker laid before the House the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }
Indianapolis, January 16, 1855. }

TO HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—I have the honor to acknowledge the receipt of the following resolution, adopted by the House of Representatives on the 15th inst.

Resolved, That the Treasurer of State be requested to transmit to this House copies of all circulars issued by him to county treasurers, relative to the receipt of, or refusal, by them of the paper of the free banks of this State for taxes; and to state also, what amount of the issue of said banks is now in the State Treasury, and what proportion of such issue consists of other than specie-paying banks."

In compliance with said resolution, the undersigned here inserts a copy of the only circular issued by him on the subject referred to, which is as follows:

[CIRCULAR.]

OFFICE OF TREASURER OF STATE,)
Indianapolis, Nov. 4, 1854. }

Treasurer of

County,

DEAR SIR:—In reply to numerous letters of inquiry as to what kind of funds would be received at this office in payment for revenue for 1854, the undersigned would say that gold and silver coin, the notes of the State bank of Indiana, and of the specie-paying free banks of this State, will be received. Also, the notes of the solvent specie-paying banks of Kentucky, Ohio, and Missouri, that are at par in this city, will likewise be received.

Respectfully yours,

E. NEWLAND,

Treasurer of State.

In reply to the second branch of the inquiry contained in the foregoing resolution, the undersigned would state that there are now about forty thousand dollars of the issue of free banks in this office, of which about thirty-four thousand dollars are of the issues of the solvent specie-paying free banks, leaving a balance of about six thousand dollars of the notes of banks that are reported as not paying specie for their notes to brokers, but pay to citizens of this State.

I have the honor to be your obedient servant,

E. NEWLAND,

Treasurer of State.

On motion by Mr. Tanner,

The report was referred to the committee of ways and means.

REPORTS FROM STANDING COMMITTEES.

following report:

MR. SPEAKER:

Mr. Meredith, from the committee on ways and means made the

The committee to whom was referred the resolution of the House requiring them to inquire into the expediency of altering the present law for appraising the value of personal property listed for taxation, report that it is inexpedient at the present time to legislate upon the subject, and ask to be discharged from the further consideration of the resolution.

Which report was concurred in.

Mr. Test made the following report from the committee on the judiciary.

MR. SPEAKER :

The committee on the judiciary to whom was directed a resolution of the House, instructing them to inquire "whether the State has a right to tax the Wabash and Erie Canal, and property belonging thereto, and report by bill or otherwise," have had the subject embraced in said resolution under consideration, and directed me to report:

That they have given the act entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846, and the act supplementary thereto, approved January 27, 1847, a careful examination, and have found no provision in either of said acts which necessarily exempts said canal, and the property belonging thereto, from taxation. Nor does said committee perceive why said canal, and the property belonging thereto, may not be just as liable to assessment for taxes, if the General Assembly should so provide, as the railroads, turnpike roads, and other public thoroughfares constructed within the State by individual enterprise. It is provided, however, in the 28th section of the supplementary act above referred to, "that the Governor shall give all necessary information to the parties, and do any act or thing which may be necessary to carry said act into effect, or to facilitate any proceedings contemplated by said act." Inasmuch, therefore, as the Governor, by the terms of the act authorizing the cession of the canal, seems to be the appropriate channel of information touching the interests of the parties to such transfer, and as there may be some doubts both in regard to the power and expediency of taxing said canal, the committee would recommend the adoption of the following resolution:

Resolved, That the Governor be requested to communicate to this House, at as early a day as may suit his convenience, his opinion as to the right of the State to tax the Wabash and Erie Canal, and property belonging thereto, and his views generally in regard to the power and expediency of such measure, and that the clerk of this House transmit to his excellency this resolution and report of the judiciary committee.

Which report was concurred in.

The question then being upon the adoption of the resolution, It was adopted.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 5, together with a pending amendment, have had the same

under consideration, and directed me to report the same back to the House, and recommend that the House strike out the pending amendment and insert the accompanying amendment, and that the following words be added to the title of said bill, to wit: "and supplementary to said act, and to legalize all payments made by any executor or administrator, at any time prior to the taking effect of this act;" and that said bill do pass.

Which report was concurred in.

The question then being upon the amendment proposed, It was adopted and the bill ordered to be engrossed.

Mr. Merrifield, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a resolution requesting them to report a bill allowing county agricultural societies to hold real estate, have instructed me to report the following bill:

No. 38. A bill authorizing county agricultural societies to purchase and hold real estate.

Which was read a first time and passed to a second reading.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined the following engrossed bills of the House, to wit: House bill No. 2, House bill No. 11, and House bill No. 7," and find that said bills are correctly engrossed.

Mr. McConnell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred resolution No. 36, requiring said committee to inquire into the expediency of abolishing the courts of common pleas, have had the same under consideration and unanimously direct me to report that they deem it inexpedient to legislate upon the subject mentioned in said resolution, *at this time*, and ask to be discharged from the further consideration thereof.

On motion by Mr. Test,
The report was laid upon the table.

Mr. Hall of Warren from the committee on county and township business made the following report :

The committee on county and township business to whom was referred a resolution of the House inquiring into the expediency of abolishing the office of township assessor, have had the same under consideration and have instructed me to report that it is inexpedient to make said change. And the committee ask leave to be discharged from its further consideration.

Which,

On motion by Mr. King of Johnson,

Was laid on the table.

Mr. Smith of Perry, from the committee on fees and salaries, made the following report :

MR. SPEAKER:

The committee on fees and salaries to whom was referred a resolution inquiring into the expediency of introducing a bill to increase the salaries of the prosecuting attorneys of the several judicial circuits, to eight hundred dollars, have had the same under consideration, and direct me to report that they deem it inexpedient to increase the salaries of the said officers to the amount therein named, and they ask to be discharged from the further consideration of the resolution.

On motion by Mr. Shryock,

The report was laid upon the table.

RESOLUTIONS INTRODUCED.

On motion by Mr. Davis,

Resolved, That the committee on banks be requested to report a bill repealing or amending the act creating the system of free banking as soon as the same can be drawn out by said committee, so that this house can have the opportunity of taking some effectual steps upon the subject so as to prevent the horrid swindle practised by the bankers and sharpers of the State of Indiana as early as possible.

Mr. Dunn offered the following resolution :

Resolved, That the committee on county and township business, be instructed to inquire into the expediency of abolishing all compensation for services as township trustees unless it be exemption from road tax during their term of service, and that the person refusing to act when elected shall be subject to fine.

Mr. Hargrove moved to amend by striking out all after the resolving clause and inserting as follows:

"That the committee on county and township business be instructed to report a bill abolishing the present mode of doing township business, and for transferring the same to the boards of county commissioners, as far as practicable."

Which was adopted.

The question then recurring upon the resolution as amended,

It was adopted.

Mr. Cotton offered the following resolution:

Resolved, That the House will, the Senate concurring, go into the election of State Agent on Thursday next, at 10 o'clock, A. M.

Mr. Murray moved to strike out the words "State Agent," and insert the words "United States Senator."

Mr. Walpole moved to amend the amendment by striking out the words "United States Senator," and inserting the words "State Printer."

Mr. Murray move to lay the amendment of Mr. Walpole on the table.

The question being put,

Messrs. Lowe and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Coen, Crozier, Dickerson, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hardin, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Jasper, Cotton, Davis, Essex, Gordon, Hargrove, Harryman, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Smith of Perry, Sturgis, Stanton, Studabaker, Tanner, Usry, Walpole, Williamson, Wheeler—36.

So the amendment was laid upon the table.

Mr. Hillyer moved to amend the amendment of Mr. Murray, by adding to the words, "United States Senator," the words, "State Printer and State Agent."

Which motion did not prevail.

Mr. Walpole offered to amend the amendment of Mr. Murray, by adding the following:

“Provided, That at least two-thirds of each House shall be personally present and vote at such election; on failure on the part of two-thirds of either House to attend and vote at such election, the said election shall be continued until such time as the President of the Senate may determine.”

Mr. Murray moved to lay the amendment of Mr. Walpole on the table.

The ayes and noes being demanded by Messrs. Lowe and Walpole,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hillyer, Hudson, Hunt, McConnell, McCord, McMurray, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hervey, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson, Wheeler—38.

So the amendment was laid upon the table.

The question then being upon the amendment of Mr. Murray, It was adopted.

The question then recurring upon the adoption of the resolution, Messrs. Walpole and Lowe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Har-

ryman, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpangh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Crozier, Davis, Essex, Hargrove, Hervey, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Studabaker, Sturges, Tanner, Usry, Walpole, Weir, Williamson and Wheeler—36.

So the resolution was adopted.

Mr. Earl offered the following resolution:

Resolved, That the House will, the Senate concurring, go into the election of State Printer, State Agent and State Librarian, on Wednesday next, at two o'clock, P. M.

Which was not adopted.

On motion by Mr. Meredith,

Resolved, That the doorkeeper be instructed to provide settees for the use of the citizens of the State, visiting the sittings of the legislature; said settees to be placed in the lobby of the hall of the House of Representatives.

Mr. Hudson offered the following resolution:

Resolved, That the Auditor report to this House, prior to the expiration of his term of office, the full amount that he has received as fees, as said auditor, by and through the general free banking law of this State, embracing all his fees of whatever kind, received by him under said law.

Mr. Buskirk moved to amend the resolution by adding, "and what per cent he has charged for his services."

Mr. King of Johnson, moved to lay the resolution and amendment on the table.

Which motion did not prevail.

The question then being on the adoption of the amendment of Mr. Buskirk;

It was not adopted.

The question then recurring on the adoption of the resolution, Messrs. Hervey and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, McConnell, McCord, McMurry, Malick, Mellett, Merrifield, Monks, Murray, Newcomb, Peckenpough, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Thomass, Trusler, Turner, Wilson, Wood, Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Gordon, Hardin, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Studabaker, Sturges, Tanner, Test, Todd, Usry, Walpole, Weir, Williamson, and Wheeler—36.

• So the resolution was adopted.

On motion by Mr. Murray,

Resolved, That the Auditor of State, in answer to the resolution adopted by the House to-day for information as to amount of compensation under the free banking law, be also requested to state the amount of expense for clerk hire, &c., under the same law.

On motion by Mr. Walpole,

Resolved, That the committee on trust funds be instructed to inquire into the expediency of extending the time of payment of all mortgages executed to secure the payment of trust funds of the State, for the term of five years after maturity, by the mortgagor paying all interest in arrear and the interest annually in advance, with leave to report by bill or otherwise.

On motion by Mr. Landers,

Resolved, That the committee on county and township business, be instructed to inquire into the expediency of reporting a bill amending the present assessment law so as to have the property of the whole county assessed by an officer elected by the electors of the whole county.

On motion by Mr. Murray,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

RESOLUTIONS INTRODUCED.

On motion by Mr. Beach,

Resolved, That the clerks of the several circuit courts, and the mayors of all the cities in this State, be requested to furnish this House a list of all persons under the age of twenty-one years, who have been committed to jail for crimes or misdemeanors, during the past year, in their several jurisdictions, specifying in each case, as near as may be, the age of such person, the length of time for which such person was committed, and the nature of the offense; and that the clerk of this House be directed and authorized to procure a sufficient number of printed copies of this resolution forthwith, and forward the same to the several clerks and mayors aforesaid, and asking from them an early answer.

On motion by Mr. Beach,

Resolved, That the Warden of the State Prison be instructed to furnish this House with a list of all convicts now in said prison under the age of twenty-one years, specifying in each case the age, the time for which said convict was convicted, and the nature of the offense; and that the clerk of the House be directed to forward forthwith to said warden a copy of this resolution.

On motion by Mr. King of Johnson,

Resolved, That so much of the Governor's Message as refers to railroads and railroad *accidents*, be referred to the committee on corporations, and that they be instructed to report a bill to this House upon the subject.

Mr. Lowe offered the following resolution:

Resolved, That the doorkeeper, by himself or assistant, be required to visit the post office daily, and receive the letters and documents of the members of this House, and hand the same to each member.

Which was not adopted.

On motion by Mr. McMurry,

Resolved, That the committee on agriculture inquire into the expediency of locating the State Fair for a term of years in or

near this city, and make an appropriation out of the treasury for the improvement of the grounds.

On motion by Mr. Wheeler,

Resolved, That the committee on fees and salaries be directed to inquire into the expediency of re-enacting an act passed at the last session of the General Assembly, regulating the fees of officers, the same failing to recite the act of which it purported to be an amendment, and that they report the same by bill or otherwise.

On motion by Mr. Frazer,

Resolved, That the State Superintendent of Public Instruction be authorized to direct the printing of ten thousand copies of his annual report, shortly to be made.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendment of the House to engrossed bill of the Senate, No. 25: "A bill to fix the time for holding the circuit courts in the eighth judicial circuit, and repealing all laws in conflict therewith."

On motion by Mr. Wood,

Resolved, That the committee on the organization of courts be instructed to inquire whether there be any law in force authorizing special sessions of the boards of commissioners of the several counties, in cases of emergency; and if there be no such law, the said committee be instructed to report a bill providing for special sessions in such cases.

On motion by Mr. Buskirk,

Resolved, That the committee on ways and means be directed to allow to the Treasurer of State, in the specific appropriation bill, for all money advanced by him to the doorkeeper of this House, to carry into effect the resolution of the House in regard to newspapers and postage.

On motion by Mr. Peyton,

Resolved, That the committee on fees and salaries be instructed to inquire whether there is any law now in force in this State,

authorizing the recorders in the several counties to collect their fees, and if not to report a bill empowering them to collect the same by law.

Mr. Gordon offered the following resolution:

Resolved, That the committee on corporations, be instructed to inquire into the expediency of so amending the law regulating railroads, as to prevent the different railroad companies from changing their times of running on their different roads through this State, otherwise than by giving one month's previous notice in each county through which any road proposing to make such change shall pass, of their intended change.

Which was not adopted.

Mr. Buchanan offered the following resolution:

Resolved, That the committee on county and township business be instructed to report to this House a bill abolishing the office of township assessor, and providing for the election of one in each county.

Which resolution was not adopted.

JOINT RESOLUTIONS.

Mr. Wilson introduced

Joint Resolution No. 2. A joint resolution in relation to the subject of slavery in the Territories of Kansas and Nebraska.

Which was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Buskirk introduced

Bill No. 39. A bill to enable railroad companies to settle with their creditors and convey a part of their roads in satisfaction of mortgages, and to enable the venders to hold and enjoy the same.

Which was read a first time and passed to a second reading.

Mr. Clark of Rush introduced

Bill No. 40. A bill supplementary to an act entitled "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29, 1852.

Which was read a first time and passed to a second reading.

Mr. Fouts introduced

Bill No. 41. A bill to repeal section seventy-seventh of an act

defining misdemeanors, and prescribing punishments therefor, approved June 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Hudson introduced

Bill No. 42. A bill giving the purchasers of lands held adversely by a third person, a right to maintain an action in their own names.

Which was read a first time and passed to a second reading.

Mr. Test introduced

Bill No. 43. A bill to provide for the restoration and preservation of the records of the Supreme Court.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 44. An act to amend section 7, of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852.

Which was read a first time and passed to a second reading.

Mr. Hillyer introduced

Bill No. 45. A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in cases of vacancy by death, resignation, or otherwise.

Which was read a first time and passed to a second reading.

Mr. Test introduced

Bill No. 46. A bill authorizing boards of trustees of highschools, academies, colleges, or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name.

Which was read a first time and passed to a second reading.

A message from the Governor, by Francis King, messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill:

No. 1. An act to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts.

Which bill originated in the House of Representatives.

Mr. Smith of Perry introduced

Bill No. 47. A bill to provide for the geological survey of the State.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 48. An act concerning the organization of voluntary associations, and repealing former laws in reference thereto.

Which was read a first time and passed to a second reading.

Mr. Shanks introduced

Bill No. 49. An act to repeal all laws heretofore enacted, fixing or regulating the time of holding courts of common pleas in Randolph and Jay counties.

Which was read a first time and passed to a second reading.

Mr. Carnahan introduced

Bill No. 50. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.

Which was read a first time and passed to a second reading.

Mr. Trusler introduced

Bill No. 51. An act to amend the first, second, and third sections of an act for the incorporation of high schools, academies, and colleges, universities, theological institutions, and missionary boards.

Which was read a first time and passed to a second reading.

Mr. Sanford introduced

Bill No. 52. A bill to prohibit profanity.

Which was read a first time and passed to a second reading.

Mr. Davis introduced

Bill No. 53. A bill to repeal section 8 of the 8th article of the Constitution of Indiana, relative to the Superintendent of Public Instruction.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication with the accompanying report from the Treasurer of State:

OFFICE OF THE TREASURER OF STATE, }
Indianapolis, January 16, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR—You will please lay before the House my annual report for the fiscal year ending October 31, 1854.

I have the honor to be

Your obedient servant,

E. NEWLAND, *Treasurer.*

Which,

On motion by Mr. Buskirk,

Was referred to the committee on ways and means.

The Speaker laid before the House a communication and accompanying report from E. Newland, a trustee on behalf of the State to receive from the Madison Railroad Company a mortgage, as security for the payment of the purchase of the State's interest in the road, together with the mortgage; also, an abstract of receipts and expenditures of the Madison, Indianapolis, and Peru Railroad Company, from and after the 14th day of August, 1854, to the 1st of November, 1854.

On motion by Mr. Buskirk,

The communication, report, mortgage, and abstract were referred to a select committee, consisting of Messrs. Buskirk, Murray, Brazelton, Test, and Frazer.

House Bills on Second Reading.

Bill No. 26. A bill to provide for a more general and equitable mode of publishing legal notices.

Was read a second time.

On motion by Mr. Studabaker,

The bill was referred to the committee on the judiciary.

No. 27. A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18, 1852.

Was read a second time.

Mr. Hervey moved to indefinitely postpone the bill.

Which motion did not prevail.

Mr. Walpole moved to refer the bill to the committee on roads.

Which motion prevailed.

No. 28. A bill to amend "an act fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State," approved March 5th, 1853.

Was read a second time.

Mr. Lowe moved to refer said bill to a select committee;

Which motion prevailed.

Messrs. Lowe, Walpole, and Smith of Perry, were appointed said committee.

No. 29. A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State;"

Was read a second time.

Mr. Walpole moved to amend, as follows: strike out the words "*prima facie*," where it occurs, and insert "conclusive."

Mr. Newcomb moved to amend the amendment, by instituting therefor, these words; "which return shall have the same effect in evidence, as the official returns of sheriffs in other cases;"

Which motion prevailed.

Mr. Hudson moved to amend by striking out the words "of the most" wherever they occur;

Which motion prevailed.

The question then recurring upon the engrossment of the bill as amended,

It was ordered to be engrossed.

No. 30. A bill to amend section thirteen of an act entitled "an act authorizing the construction of plank, macadamized and gravel roads," approved May 12th, 1852.

Was read a second time, and

On motion by Mr. Walpole,

Referred to the committee on corporations.

No. 31. A bill to amend an act entitled "an act, for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards," approved May 13th, 1852.

Was read a second time, and

On motion by Mr. Trusler,

Referred to the committee on the judiciary.

No. 32. A bill to amend the fourteenth and twenty fifth sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the auditor and treasurer of State," approved January 21st, 1852.

Was read a second time, and

On motion by Mr. Buskirk,

Referred to the committee on ways and means.

No. 33. A bill providing for the immediate repeal of "an act

to authorize and regulate the business of general banking," approved May 28th, 1852.

Was read a second time.

Mr. Hardin offered the following amendment—by adding after the word "repealed," in section first, these words: "*Provided, however,* That nothing herein contained, shall be so construed as to effect the banks established under the provisions of the above specified general banking law, which have not at any time suspended specie payment."

On motion by Mr. Hardin,

The bill and amendment were referred to the committee on banks.

No. 34. A bill to repeal "an act prohibiting evidence of Negroes and Indians."

Mr. Walpole moved to indefinitely postpone the bill.

Mr. Sanford moved to lay the bill upon the table.

Which motion prevailed.

No. 35. A bill to amend an act for the incorporation of cities, approved June 18, 1852;

Was read a second time, and

On motion by Mr. Buskirk,

Referred to the committee on corporations.

No. 36. A bill to amend the 18th, 24th, 25th and 26th sections of an act entitled "an act regulating all descents and the appportionment of estates," and adding two supplemental sections to said act;

Was read a second time, and

On motion by Mr. Buskirk,

Was laid on the table, and 300 ordered to be printed.

No. 37. A bill to repeal section 94, chapter 10, Revised Statutes of 1852;

Was read a second time, and

On motion by Mr. Frazer,

Referred to the committee on the judiciary.

House Joint Resolution on Third Reading.

No. 1. A joint resolution.

Which was read a third time.

When,

On motion by Mr. Frazer,

The joint resolution was laid on the table.

House Bill on Third Reading.

No. 2. A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill;" approved Feb. 15, 1848.

Was read a third time.

And the question being, "shall the bill pass?"

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wheeler, Wood—89.

Mr. Speaker voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Walpole,

The House adjourned till 9 o'clock on to-morrow morning.

WEDNESDAY MORNING, 9 o'clock, }
January 17th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Buskirk,

The reading of the journal of yesterday was dispensed with, and so adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Buskirk,

A petition of sundry citizens of Monroe county, on the subject of profane swearing, Sabbath-breaking, &c.

When,

On motion by Mr. Buskirk,

The petition was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Hunt,

A memorial from M. J. M. Termilliger, of Madison county, on the subject of the common school law, &c.

On motion by Mr. Hunt,

The memorial was referred to the committee on education.

By Mr. Cotton,

From sundry citizens of Whitley county, praying the passage of a law prohibiting the desecration of the Sabbath.

Which,

Upon motion by Mr. Cotton,

Was referred to the committee on the rights and privileges of the inhabitants of the State of Indiana.

By Mr. Newcomb,

A petition from the president, directors and company of the Merchants' Bank, in the city of New York.

On motion by Mr. Newcomb,

The petition was referred to the committee on ways and means.

Mr. McFarland presented the following claim:

STATE OF INDIANA, }
Shelby County. } SS.

SHELBY CIRCUIT COURT, *October Term, 1854.*

Ordered by the court, that James Harrison be allowed the sum of twenty-five dollars, for services rendered as prosecutor of the State during the present term of this court.

STATE OF INDIANA, }
Shelby County. } SS.

I, Jacob Vernon, Clerk of Shelby Circuit Court, do hereby certify the above to be a full, true and complete copy of the record of

said court, made in relation to the allowance to said James Harrison, for services rendered said court, at said term, as prosecuting attorney.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, this 30th day of December, A. D., 1854.

J. VERNON, *Clerk*.

Statement of facts. See 2d Vol. Revised Statutes, page 386, section 5.

Mr. Hord, the prosecuting attorney for the circuit, resigned in August, 1854, leaving one quarter (\$75) of his salary for the last year of his term unpaid. The fall term of the court commenced at Connersville, at which place the court appointed a prosecutor and allowed him \$25. The court was next held at Brookville, in Franklin county, at which place the court also appointed a prosecutor, and allowed him \$50. These sums were drawn from the State treasury by the appointees, before court commenced at Shelbyville, in Shelby county, which was in October 1854, at which time and place James Harrison was appointed and acted as prosecutor during said term, and among other cases prosecuted one case for murder to conviction, and has received no compensation. Mr. Harrison asks the General Assembly of the State of Indiana to make an appropriation of \$25 compensation for his services as prosecuting attorney.

Which,

On motion by Mr. McFarland,
Was referred to the committee on claims.

By Mr. Sturgis,

A petition from sundry citizens of Allen county, on the subject of the law for the punishment of crimes and misdemeanors in incorporated towns and cities.

Which,

On motion by Mr. Sturgis,
Was referred to the committee on the judiciary.

Mr. Todd presented the following claims:

STATE OF INDIANA, } Ss.
Boone County.

Boone county circuit court, March term, 1853, on the 5th judicial day thereof.

The court order that the following allowance be made to Isaac Naylor for prosecuting the pleas of the State of Indiana, in place of Wallace, prosecuting attorney, \$20.00, and that the same be certified to the Treasurer of State.

STATE OF INDIANA, }
Boone County. } SS.

I, William C. Kise, Clerk of the Boone circuit court, do hereby certify that the above and foregoing is a full, true and complete copy of an order made at the March term of said court for the year 1853, and entered on record in the order book of said court.

In testimony whereof, I, William C. Kise, Clerk as afore-
[L. s.] said, hereunto set my hand, and affix the seal of said
court at my office in Lebanon this, 11th day of April,
A. D. 1853. WM. C. KISE, *Clerk.*

STATE OF INDIANA, }
Auditor's Office. }

I, John P. Dunn, Auditor of State, do hereby certify that the within named Isaac Naylor presented the within order to me to be audited for payment out of the State Treasury, and that there was no part of Lewis Wallace's salary due him as prosecuting attorney, nor is there any due now out of which the order could or can be paid.

JOHN P. DUNN,
Auditor of State.

To the Legislature of the State of Indiana:

The undersigned respectfully request your honorable body to make a specific appropriation for the payment of the within named sum of twenty dollars.

J. NAYLOR.

January 16th, 1855.

On motion by Mr. Todd,

The claim was referred to the committee on claims.

REPORTS OF STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 22, entitled "an act to amend the seventy-sixth section of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' approved June 14, 1852," have had the subject matter of the bill under consideration, and have directed me to report the bill back with the following amendment, and when so amended, they respectfully recommend its passage.

Amend by striking out all of said bill after the word "hereby," in the 15th line of said bill and insert the word "repealed," so that the same shall read, "be, and the same is hereby repealed."

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

On motion by Mr. Walpole,

Mr. Logan was appointed chairman of the committee on claims.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 24, have had the same under consideration, and have directed me to recommend that the said bill be stricken out from the enacting clause, and that the accompanying bill be inserted in lieu thereof, and when so amended, they recommend its passage.

That the first section of an act entitled "an act for the incorporation of cities," approved June 18, 1852, which section is as follows to-wit:

"SECTION 1. That all towns having a population of three thousand souls and upwards, shall, in addition to the powers they already possess by virtue of their incorporation, upon complying with the provisions of this act, be incorporated cities, with the rights and privileges herein conferred"—

Be and the same is hereby amended so as to read as follows, to-wit:

SECTION 1. That all towns having a population of two thousand souls and upwards shall, in addition to the powers they already possess by virtue of their incorporation, upon complying with the provisions of this act, be incorporated cities, with the rights and privileges herein conferred.

SECTION 2. That the fourth section of the act named in the title of this act, which section reads as follows, to-wit:

"SEC. 4. If the return shall show a population of three thousand persons or more, the trustees, within ten days thereafter, shall publish a notice to the voters of such town, as in other corporation elections, stating that on a day and at a place therein named, a poll will be opened to determine whether such town shall be incorporated as a city"—

Be and the same is hereby amended so as to read as follows, to-wit:

SEC. 4. If the return shall show a population of two thousand persons or more, the trustees, within ten days thereafter, shall publish a notice to the voters of such town, as in other corporation elections, stating that on a day and at a place therein named, a poll will be opened to determine whether such town shall be incorporated as a city.

SEC. 3. It is hereby declared that an emergency exists which requires that this act take effect and be in force from and after its passage; wherefore this act shall be in force from and after its passage.

The report was concurred in, and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Wheeler, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred a resolution of the House, instructing said committee to inquire into the expediency of reducing the price of swamp lands, have directed me to report that, in the opinion of said committee, such legislation at the present time is inexpedient, and they ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the committee discharged from a further consideration of the subject.

Mr. Smith of Perry, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred House bill No. 19, have had the same under careful consideration, and direct me to report the same back to this House, with the following amendments, and to recommend the passage of the bill as amended:

Insert, after the word "amend" in the title, the words, "the first and;"

And after the enacting clause in the bill the following amendment, to-wit: That the first section of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852, which is in the following words, to-wit:

"SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each recorder in this State, is hereby authorized and required, within a reasonable time after the passage of this act, to make out, where the same has not previously been done, a complete or general index to all the records of deeds for real estate, in his office. Such index shall be a double index, giving the name of each grantor alphabetically, and also of each grantee in the same order, together with the number or letter of the book, and the page in which each deed is recorded;"

Be and the same is hereby amended, so as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each recorder in this State, is hereby authorized and required, within a reasonable time after the passage of this act, to make out, where the same has not been done, a complete or general index to all the records of deeds for real estate in his office, such index shall be double, giving the name of each grantor and grantee alphabetically, a concise description of the premises, the

date of the deed, together with the number or letter of the book, and the page in which each deed is recorded; and after the words "the fourth section of" to strike out the word "an," and insert the words "the said."

The report was concurred in, and the amendments adopted.

The bill was then ordered to be engrossed.

REPORTS FROM SELECT COMMITTEES.

Mr. Murray, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 5, entitled "an act to amend the 32d and 75th sections of an act entitled 'an act fixing the time of holding the courts of common pleas, and the length of terms thereof, in the several counties of this State,' approved March 4th, 1853," have had the matter under consideration, and have directed me to report the bill back with the following amendments, and when so amended they respectfully recommend its passage:

Amend by striking out the second and third sections of the amended bill and insert the following:

SECTION 2. In the county of Howard, on the first Mondays in January, April, July and October, and sit two weeks at each term, if the business require it.

SEC. 3. In the county of Tipton, on the third Mondays of January, April, July and October, and sit two weeks each term, if the business require it; *Provided*, That the first terms of said courts of common pleas, in the counties of Howard and Tipton, shall be held at the times fixed by the sections of the act hereby repealed.

On motion,

The report was concurred in, and the amendments were adopted.

The bill was then ordered to be engrossed.

Mr. Clark of Steuben, from a select committee, made the following report:

MR. SPEAKER:

A majority of the special committee to whom was referred that part of the Governor's message which refers to the political excitement of the times, ask leave to report as follows, to-wit:

At the commencement of the first session of the thirty-third Congress of the United States, the political atmosphere was calm and quiet. The people of the north, or a large majority of them, had come to the conclusion to acquiesce in those laws which were included in what was generally called the "omnibus bill," fugitive

slave law and all, as an adjustment of the sectional difficulties then existing, in the hope that the south would soon see the justice of so amending the fugitive slave law as to divest it of its most objectionable features. The two great political parties of the country had met in convention, mutually pledging the parties to discountenance the agitation in or out of Congress, of the exciting subject of slavery. The chief executive of the nation, in his message to both houses of Congress, had pledged himself to sustain the same doctrine. The hope was fondly cherished that the north and the south would cultivate fraternal feeling towards each other. That no individual either, north or south, would disturb the harmony of the country by the introduction of sectional questions. The governor says the country is in a state of great political excitement. The question is, who produced that excitement? Stephen A. Douglas, a senator from Illinois, introduced a bill into the United States Congress, commonly called the Kansas and Nebraska bill. The introduction of that bill and its passage through Congress, after having undergone some amendments, is the cause, in the estimation of your committee, of the present political excitement of the times. The effect produced upon the country by the introduction of that bill and its passage through Congress, has been to destroy confidence in the honesty, integrity and good faith of the nation. To create sectional strife, to disturb the peace, harmony and good fellowship that before existed, and to produce general distrust in the minds of the people in relation to all compromises.

In relation to the question what will be the ultimate result upon the country of the present political excitement, your committee report they do not claim to be prophets, or the sons of prophets, but in their opinion, judging of the future by the past, it will result in a union of the friends of freedom throughout the country, and that union will be based on the principle of carrying out the spirit and intention of the constitution, we shall be referred back to the old paths where freedom was the rule and slavery the exception, where freedom was general and slavery local. Your committee are of the opinion that it will result in the te-total destruction of that class of political demagogues, who have been called Northern men with Southern principles, or in the classic language of John Randolph, "Northern doughfaces."

In order that the present political excitement, which the Governor so much regrets, may be allayed and harmony restored, your committee recommend the adoption of the following Joint Resolutions:

Be it Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to vote for a repeal of that clause in the Nebraska bill which repeals the 8th section of the Missouri compromise.

Resolved, That his Excellency the Governor, be requested to transmit a copy of the resolution to each of our Senators and Representatives in Congress, at his earliest convenience, and from a

further consideration of this subject, your committee ask to be discharged.

The question being upon agreeing to the report,

Messrs. Lowe and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholowew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steffen, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hardin, Hargrove, Hervey, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Smith of Perry, Studabaker, Sturgess, Tanner, Usry, Walpole, Weir, Williamson and Wheeler—40.

So the report was concurred in, and the joint resolutions were read a first time, and passed to a second reading.

On motion by Mr. Landers,

Three hundred copies of the report, the joint resolutions, and yeas and nays were ordered to be printed.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
Indianapolis, Jan. 17, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR—The following resolution, passed by the body over which you have the honor to preside, has been received at this office:

“Resolved, That the Auditor of State report to this House, prior to the expiration of his term of office, the full amount that he has received as fees as said Auditor, by and through the general free banking law of this State, embracing all his fees, of whatever kind, received by him under said law.”

Without stopping to inquire into the right the House of Representatives have to make a peremptory call on any public officer for a detailed statement of his private business transactions, or to report the amount of fees received, when no fees are fixed by law, but where it is a mutual arrangement between the parties interested, I must most respectfully decline complying with their request, as much more important business of the State requires all my time and labor for the few days I shall remain in office. After I shall have retired to the ranks of a private citizen, it will give me pleasure to give any honorable member all the information I may possess on this subject. In the meantime, to quiet the anxiety of any friend, I will remark that I am in as comfortable a situation as any "old liner" could well be, who was badly beaten at the late election.

Very respectfully yours,

JOHN P. DUNN, *Auditor of State.*

Mr. Buskirk moved to reconsider the vote referring the State Treasurer's report to the committee on ways and means.

Which motion prevailed.

Mr. Newcomb moved to refer said report to a select committee, with the following instructions, to-wit: to inquire into the expediency of passing an act for the relief of county treasurers who have received free bank paper for taxes, pursuant to the circular of the Treasurer of State, and which has depreciated upon their hands; and also, to authorize the Treasurer of State to convert all uncurrent free bank paper in the State treasury into State bonds, and that the committee report by bill or otherwise.

Messrs. Newcomb, Gilham, Humphreys, Todd, and Buskirk were appointed said committee.

On motion by Mr. Merrifield,

WHEREAS, Statement No. 15 of the report of the Auditor of State, giving an abstract of the number of white male inhabitants of the State, contains a number of important errors, arising no doubt from a misprint of figures, therefore,

Resolved, That the Auditor of State be requested to furnish to this House, for the use of the committee on apportionment, a correct statement of the number of white male inhabitants, over twenty-one years of age, in each county in this State, according to the latest returns of the same, and that the Clerk of this House be instructed to furnish him a copy of this resolution.

On motion by Mr. Ellis,

Resolved, That the members of this House be required hereafter, in presenting petitions on the subject of temperance, Sabbath breaking, and profane swearing, to indorse thereon the county or

counties from which the same are sent, the number of the signers thereto, and what number of the signers are in their opinion qualified voters of this State.

Mr. Earl offered the following resolution:

Resolved, That the House will, the Senate concurring, go into all of the elections expected to take place during the present session of the General Assembly of the State of Indiana, Senator excepted.

Which was not adopted.

On motion by Mr. Logan,

Resolved, That the committee on roads be instructed to inquire into the expediency of consolidating all road laws of this State, and authorizing the same to be published in pamphlet form and distributed among the several counties for the use of supervisors of public highways, and report by bill or otherwise.

On motion by Mr. Mellett,

Resolved, That the Weekly Indiana Republican be discontinued and that the daily be substituted, and that the appropriate committee make the necessary arrangements with the editor.

On motion by Mr. Peckenpaugh,

Resolved, That the doorkeeper be instructed to keep the precise amount of all the post office stamps he may have received for the members of this House, and the amount given to each member, and report the same at or near the close of this General Assembly.

Mr. Hadsell offered the following resolution:

Resolved, That the committee on banks be instructed to inquire into the expediency of incorporating into the bank law a provision like the following:

That if any person owning stock in any bank, or otherwise connected therewith, shall, by himself or his agent, directly or indirectly buy or offer to buy any of the bills of said bank, for a less sum than its full amount expressed on its face, he shall be guilty of felony, and shall be punished with a fine of not less than fifty nor more than two thousand dollars, and confined in the State prison not less than two nor more than ten years.

Which was adopted.

Mr. McFarland offered the following resolution:

Resolved, That a select committee of five be appointed and be required to inquire into the expediency of introducing into this House a bill calculated to elevate and protect the medical profession of this State.

Which was not adopted.

Mr. McMurry offered the following resolution:

Resolved, That the committee on fees and salaries inquire into the expediency of increasing the fees of justices of the peace and constables, and report.

Which resolution was not adopted.

Mr. Todd offered the following resolution:

Resolved, That the committee on banks be requested to inquire into the expediency of chartering a bank with branches, to go into operation at the expiration of the present State Bank charter, and authorizing the use of the trust funds of the State, amply secured by the stocks, and that they report by bill or otherwise.

Which was not adopted.

Mr. Hadsell offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law as to require the State to assess a general tax that shall be sufficient, with the general school fund, to sustain in every township the public schools thereof for the term of six months in each year.

Which resolution was adopted.

Mr. Sanford gave notice that he would on to-morrow offer the following resolution:

Resolved, That hereafter one hour only in each day, if necessary, shall be devoted to the introduction and discussion of resolutions of the House.

Mr. Test moved to suspend the order of business and take up House bill No. 7.

Which motion did not prevail.

On motion by Mr. Hargrove,

Mr. Huffstetter was added to the committee on roads.

House Joint Resolutions on Second Reading.

Joint Resolution No. 2,
Was read a second time.

Mr. Mellett moved to refer to a select committee.

Which motion prevailed.

Messrs Mellett, Brazelton and Hunt were appointed said committee.

Mr. Brazelton offered the following instructions to the committee:

The history of this government, for the past few years, plainly evinces a determination on the part of the slave power to extend the "peculiar institution" into all the territories of the United States, to seize upon the reigns of government by the admission of Slave States into this Union, and to strengthen and perpetuate the institution by the purchase or conquest of adjacent countries in which it exists, and whereas it was the early settled policy of this government to restrict, denationalize, and discourage slavery, therefore,

SECTION 1. *Be it Resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested, to advocate the return of this government to its original policy, by using their influence to secure the application of the Jefferson Ordinance of 1787 to all the territory now possessed by the United States, or which may be hereafter acquired.

SEC. 2. *Be it further Resolved*, That our Senators and Representatives are instructed and requested to resist, under all circumstances, the admission of any more Slave States into this Union, or the acquisition, either by conquest, purchase, or otherwise, of any territory subject to slavery.

SEC. 3. *Be it further Resolved*, That our Senators and Representatives are instructed and requested to use their influence to secure an entire divorce of the Federal Government from all support of slavery.

SEC. 4. *Resolved further*, That the Governor be and he is hereby requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Mr. Landers moved to lay the instructions upon the table.

Messrs. Brazelton and Mellett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Union, Crozier, Essex, Frazer, Gordon, Hardin, Hargrove, Harryman, Hillyer, Hudson, Hume, Humphreys, Huffstetter, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Miller, Montgomery, Murray, Peckenpaugh, Peyton, Schoonover, Sidwell, Sims, Sturgis, Shull, Smith of Perry, Spotswood, Studabaker, Tanner, Test, Usry, Weir, Williamsom, Wilson, Wheeler, and Wood—53. 5-5

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Gifford, Gwinn, Hadsell, Hall of Laporte, Hervey, McCord, Mellett, Merrifield, Monks, Newcomb, Peden, Sanford, Shanks, Shryock, Smith of Lagrange, Stanton, Tackett, Thomas, Todd, Turner and Mr. Speaker—40.

So the instructions were laid upon the table.

House Bills on Second Reading.

No. 38. A bill authorizing county agricultural societies to purchase and hold real estate,

Was read a second time.

Mr. Schoonover moved to amend, by inserting after the word "county," in the title of the bill, the words "or district."

Which motion prevailed.

So the amendment was adopted.

Mr. King of Johnson moved to amend the bill by striking out the following words; "Provided that the amount of real estate so purchased and held shall not exceed 20 acres."

Which did not prevail.

The bill was ordered to be engrossed.

No. 39. A bill to enable railroad companies to settle with their creditors, and convey part of their roads in satisfaction of mortgages, and to enable them to hold and enjoy the same.

Was read a second time.

Mr. Meredith moved to refer the bill to the committee on corporations.

Which motion prevailed.

Mr. King of Johnson moved to adjourn.

Which motion did not prevail.

No. 40. A bill supplementary to an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852,

Was read a second time.

Mr. Newcomb moved to amend the bill by inserting in the first section, after the words "refuse to attend," by inserting these words, "or unless a subpoena issued for the injured party shall have been returned 'not found,' by the proper officer."

Which motion prevailed, and the amendment was adopted.

On motion by Mr. Meredith,

The bill was referred to the committee on the judiciary.

On motion of Mr. Montgomery,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P M.

The House met pursuant to adjournment.

House Bills on Second Reading.

No. 41. A bill to repeal section seventy-seven of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and

On motion by Mr. Buskirk,

Referred to the committee on ways and means.

No. 42. A bill giving the purchasers of lands held adversely by a third person a right to maintain an action in his own name,

Was read a second time, and

On motion by Mr. Walpole,

Referred to the committee on the judiciary.

No. 43. A bill to provide for the restoration and preservation of the records of the supreme court,

Was read a second time and ordered to be engrossed.

No. 44. A bill to amend section 7, of an act entitled "an act touching vacancies in offices and filling the same by appointment," approved May 13, 1852,

Was read a second time, and

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 45. A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in cases of vacancy by death, resignation, or otherwise,

Was read a second time, and ordered to be engrossed.

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges, or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name,

Was read a second time and ordered to be engrossed.

A message from the Senate, by Mr. Turman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Repre-

sentatives, that the Senate have passed the following engrossed bills thereof:

Bill No. 4. A bill supplementary to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant;" approved May 29, 1852.

Bill No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties, in civil cases;" approved June 9, 1852.

Bill No. 8. A bill for the relief of borrowers of the common school fund, and of the purchasers of school lands belonging to the State of Indiana.

Bill No. 24. A bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana.

Bill No. 40. A bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished.

In which the concurrence of the House is respectfully requested.

Bill No. 47. A bill to provide for a geological survey of the State,

Was read a second time.

Mr. Smith of Perry moved to refer the bill to the select committee on so much of the Governor's Message as relates to a geological survey of the State.

Mr Newcomb moved to lay the bill upon the table until the 23d day of February next.

The question being put,

Messrs. Huffstetter and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Bonner, Branham, Brazelton, Brothwell, Buchanan, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hervey, Hillyer, Hudson, McConnell, Malick, Mellett, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Tackett, Test, Trusler, Turner, Wilson and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Alden, Beach, Burnett, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gilham, Gordon, Hargrove, Harryman, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Martin, Merrifield, Miller, Montgomery, Peyton, Schoonover, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tanner, Todd, Usry, Walpole, Weir, Williamson, Wheeler and Wood—48.

So the motion did not prevail.

The question then recurring upon the motion of Mr. Smith of Perry,

It prevailed, and the bill was so referred.

No. 48. A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto,

Was read a second time, and

On motion by Mr. Walpole,

Referred to the committee on corporations.

No. 49. A bill to regulate the time of holding courts of common pleas in the counties of Randolph and Jay, and to fix the time of holding said courts,

Was read a second time and ordered to be engrossed.

No. 50. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants,

Was read a second time, when

On motion by Mr. Shanks,

Was referred to the committee on the judiciary.

No. 51. A bill to amend the first, second and third sections of "an act for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards,

Was read a second time, when

On motion by Mr. Smith of Perry,

Was referred to the committee on corporations.

No. 52. A bill to prohibit profanity,

Was read a second time, and

On motion by Mr. Brazelton,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

No. 53. A bill to repeal section eight of the eighth article of the Constitution of Indiana, relative to the superintendent of public instruction,

Was read a second time, and
 On motion by Mr. Davis,
 Was referred to the committee on the judiciary.

House Bills on Third Reading.

No. 7. A bill to abolish the seventh judicial circuit of the State of Indiana,

Was read a third time.

Mr. Brothwell called for the previous question,
 Which was seconded.

Upon a call of the ayes and noes, which was demanded by Messrs. Walpole and Humphreys,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Dunn, Earl, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, Malick, Mellett, Merrifield, Meredith, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Stüdabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson—35.

So the call for the previous question was seconded.

The question then being, shall the main question be now put?

It was decided in the affirmative.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Earl, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Mur-

ray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims Shanks, Shryock. Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson—34.

So the bill passed.

Mr. Test moved to amend the title of the bill, so as to read:

A bill to abolish the 7th judicial circuit, and creating the 12th judicial circuit, and fixing the times for holding courts therein.

Mr. Walpole moved to amend by adding the following, after the words "seventh judicial circuit: "so as to remove a democrat judge, elected by a large majority of the people, to make place for a fusion successor."

Mr. Fouts moved to lay the amendment of Mr. Walpole upon the table.

Messrs. Walpole and Humphreys demanded the ayes and noes on laying the amendment upon the table.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sims, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Wilson, Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Studabaker, Tanner, Usry, Walpole, Weir, Williamson—31.

So the amendment to the amendment was laid upon the table.

The question then being on the amendment to the title,

Messrs. Walpole and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Sidwell, Sims, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Thomas, Todd, Trusler, Wilson and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Studabaker, Tanner, Usry, Walpole, Weir and Williamson—30.

So the amendment to the bill was adopted.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 18th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read, corrected, and adopted.

The following message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty, under orders of sale procured by the predecessors.

No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Spotswood,

Mr. Wilson was added to the special committee, to whom was referred joint resolution No. 2, on yesterday.

PETITIONS, MEMOR'ALS, REMONSTANCES, PRESENTED.

By Mr. Hardin,

A petition from sundry citizens of Vanderburg county, on the subject of education.

Mr. Shryock moved to refer the petition to the committee on education.

The following message from the Senate was received by Mr. Turman, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

Bill No. 30. A bill to annul the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases;" approved June 15, 1852.

Bill No. 33. A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas, in cases of riot.

In which the concurrence of the House is respectfully requested.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 13, entitled "an act supplemental to the act, Revised Stat-

utes 1852, entitled 'an act to simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,'" beg leave to report that they have had the subject under consideration, and are of opinion that it is inexpedient to pass said bill.

They therefore recommend that it be indefinitely postponed.

The report was concurred in.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 26, entitled a bill to provide for a more general and equitable mode of publishing legal notices, have had the same under consideration, and have directed me to report the same back with two amendments, and when so amended, they respectfully recommend its passage.

Amend the first section by adding the following proviso: "*Provided*, That this act shall not extend to notices of the pendency of legal proceedings in the circuit or common pleas courts."

Also, strike out the third section.

The report was concurred in, and,

The bill ordered to be engrossed.

Mr. Murray, from the committee on the judiciary, made the following report.

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 14, "A bill in relation to collecting on contracts," have had the same under consideration, and direct me to report the same back to the House and recommend that it be indefinitely postponed.

The report was concurred in.

Mr. Schoonover moved to indefinitely postpone the bill.

The question being on the indefinite postponement of the bill, Messrs. Test and Landers demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Coen, Cotton, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gorcon, Hadsell, Hall of Warren, Hervey, Hillyer, Huffstetter, Humphreys, Hunt, King of Johnson, King of Madison, Lewis, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden,

Peyton, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Tru-ler, Turner, Usry, Weir, Wilson and Wood—73.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Brazelton, Clark of Jasper, Crozier, Essex, Gwinn, Hardin, Hargrove, Harryman, Hume, Landers, Lemmon, Logan, McFarland, Sanford, Schoonover, Stanton, Walpole, Williamson, Wheeler and Mr. Speaker—22.

So the bill was indefinitely postponed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred resolution of the House, No. 4, instructing this committee "to inquire into the expediency of abolishing all laws requiring complete records to be made out in the common pleas court, unless paid for by the person asking," have had the same under consideration, and directed me to report that in their opinion legislation on that subject would be inexpedient, and they ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 8, entitled a "bill to regulate the election of United States Senator," with an amendment, beg leave to report that they have had the subject matter of said bill and amendment under consideration, and direct me to report the same back to this House, with the following amendment, and when so amended, they recommend its passage; that is to say, strike out all of said bill after the enacting clause, and insert the following:

SECTION 1. That at the session of the General Assembly preceding the expiration of the term for which any person may have been elected Senator in the Congress of the United States, it shall be the duty of such General Assembly, by both Houses in joint convention, by a *viva voce* vote of a majority of all the members present, to elect a Senator to serve as such for the term of six years, from the expiration of the term of said United States Senator; and if a vacancy occurs, from any cause whatever, in an un-

expired term, when the General Assembly is not in session, a person to fill such vacancy shall be elected by the next General Assembly; and if a vacancy occurs during the session of the General Assembly, it shall be the duty of the General Assembly then in session to elect a person to fill such vacancy; in all cases the election to be by both Houses in joint convention, by a *viva voce* vote of a majority of all the members present.

SEC. 2. Whereas, an emergency exists, which is hereby declared, that requires this act to take effect and be in force from and after its passage, wherefore this act shall take effect and be in force from and after its passage.

Mr. Buskirk moved to lay the report and amendment upon the table,

Which motion prevailed.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred bill of the House No. 23, entitled an act to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852, with pending amendment, have had the same under consideration, and directed me to report the same back with pending and one other amendment, and as amended, recommend its passage.

Amend, first, by striking out the words "of the most," where it occurs in the first section of said bill.

Amend, second, by striking out section 2, and inserting pending amendment, as follows:

SEC. 2. When any river or creek shall be the boundary between two counties, any person, or persons, or corporations, holding land on either side of said river or creek, who shall desire a public ferry across the same, shall apply to the board of county commissioners for the county in which such lands lie, who are hereby authorized to establish such ferry from the land of such applicant to the opposite side; and in such case a certified copy of the order establishing such ferry shall be transmitted to the auditor of the county on such opposite side, at the expense of such applicant; and thereafter such county may assess a tax for license for such ferry, in a sum not exceeding for both counties the amount charged for such ferries where one county alone is concerned, half of which tax shall be assessed by each county. Nothing in this act shall be construed to make any person liable for crossing his own property, or that of another, where he does not receive pay for the same.

The report was concurred in, and the amendment adopted.

The bill was ordered to be engrossed.

Mr. Hardin, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred resolution No. 16, inquiring into the expediency of repealing "an act to provide for the erection and repair of bridges," approved May 22d, 1852, and provide by law, that all appropriations in money, for the erection and repair of bridges shall be made from the several county treasuries of the State, have had the same under consideration and have directed me to report that they are preparing a bill to incorporate the change therein named.

Which report was concurred in.

Mr. Hardin, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred resolution No. 13, inquiring into the expediency of transferring the business of township officers, in opening, managing and vacating highways, to county officers, direct me to report that your committee are preparing a bill in accordance therewith, and will report the same as soon as it is matured.

Which report was concurred in.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined and compared engrossed bills of the House numbers five, nineteen and thirty-eight, and find the same correctly engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills numbers twenty-two, twenty-nine and five, and find that the same have been correctly engrossed.

Message from the Senate, by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the President of the Senate has signed the following enrolled bills thereof:

Senate bill No. 4. An act supplemental to an act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852.

Also,

Senate bill No. 7. A bill supplemental to "an act providing for the election and qualification of justices of the peace, defining their powers and duties in civil cases," approved Jan. 9th, 1852—and prescribing the manner of filling vacancies.

Also,

Senate bill No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

Which I am directed to convey to the House of Representatives for the signature of the Speaker thereof.

RESOLUTIONS INTRODUCED.

On motion by Mr. Spotswood,

Resolved, That the committee on education be instructed to inquire into the expediency of establishing a "State Normal School, in which, persons who design making teaching a profession shall receive instruction free of charge: *Provided*, they bind themselves to teach for a specified term of years, within the State of Indiana, and also, if it is deemed expedient to establish such school, whether it would be practicable to establish it upon the 'manual labor plan,' so as to make it a self-supporting institution as near as possible, with leave to report by bill or otherwise.

Mr. Frazer offered the following resolution:

Resolved, That the Auditor of State be respectfully requested to inform this House what amount of the swamp land funds, if any, has been absolved by the Auditor and Secretary of State respectively, on account of patents of such swamp lands to purchasers; also, whether or not in case where a single purchaser of such lands by one person has embraced 80 acres or more, the same has been patented to such purchaser by several patents, each embracing 40 acres or less, at an expense of \$1.00 to the fund for every such patent—or if not, what has been the rule observed upon the subject.

Mr. Landers moved to lay the resolution upon the table.

Messrs. Frazer and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Landers, Sturgis, and Walpole—3.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwin, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hillyer, Hudson, Hume, Humphreys, Hunt, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpauagh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Wilson, Wheeler, Wood and Mr. Speaker—86.

So the resolution was not laid upon the table.

The question then being upon the adoption of the resolution,

It was adopted.

On motion by Mr Newcomb,

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to inquire into the expediency of inclosing the grounds belonging to the State lying immediately north of the State house square, and planting the same with shade trees, and that they report by bill or otherwise.

Mr. Dickerson offered the following resolution:

WHEREAS, the present road law requires all moneys and labor intended for the improvement of roads, shall be expended on or before the 15th day of September of each year, and **WHEREAS**, the county Auditor is not required to make out a list of road tax before the 15th of October of each year, therefore,

Be it Resolved, That the committee on county and township business be instructed to report a bill to this House requiring the county Auditors to furnish a list of all road taxes to the several supervisors of their respective counties on or before the first day of September of each year.

Which resolution was adopted.

On motion by Mr. Monks,

Resolved, That the committee on temperance be requested to report a prohibitory liquor law at the earliest practicable moment,

as the people of this State are anxious to have this measure passed immediately.

On motion by Mr. Test,

Mr. Sturgis was added to the committee on corporations.

On motion by Mr. Hardin,

Resolved, That this House will, the Senate concurring, go into an election for State Agent, on to-morrow at 10 o'clock, A. M.

On motion by Mr. Weir,

Resolved, That the committee on fees and salaries be instructed to inquire into the expediency of reducing the fees of county surveyors, and report by bill or otherwise.

Mr. Hadsell offered the following resolution:

Resolved, That the committee on fees and salaries be instructed to inquire into the expediency of so amending the act regulating the fees of officers as to allow sheriffs, but 12 cents a mile in conveying convicts to the State prison, and returning therefrom, instead of twenty-five cents.

Which was not adopted.

Mr. Coen offered the following resolutions:

WHEREAS, There is an unprecedented amount of business imperatively demanding the immediate attention of this body; And WHEREAS, it is a well known fact that this House is composed of different political parties, who have come up fresh from a most exciting canvass, therefore,

Resolved, That this House utterly disapproves of forcing party issues upon the members thereof on every possible occasion; and

Be it further Resolved, That it is due to our constituents that we give our undivided attention to the business before us.

Which resolutions were unanimously adopted.

On motion by Mr. McFarland,

Resolved, That the committee on fees and salaries be instructed to inquire into the expediency of so amending the laws regulating the fees of justices of the peace, so that justices be allowed not more than twenty-five cents for each entry of judgment by them, and report by bill or otherwise.

On motion by Mr. Sanford,

Resolved, That hereafter, one hour only in each day, if necessary

shall be devoted to the introduction and discussion of resolutions of the House.

Mr. Lowe moved to lay the resolution on the table.

Which motion prevailed.

On motion by Mr. Buchanan,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law as to prohibit the public funds from being appropriated to teaching the German language, and report by bill or otherwise.

BILLS INTRODUCED.

Mr. Ellis introduced.

Bill No. 54. A bill to amend the 14th section of an act entitled "an act authorizing the construction of plank roads."

Which was read a first time and passed to a second reading.

Mr. Hervey introduced

Bill. No. 55. A bill to authorize the county Auditor to convene the county board in cases of necessity.

Which was read a first time and passed to a second reading.

Mr. Wheeler introduced

Bill No. 56. A bill fixing and extending the terms of the Marshall circuit court.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 57. A bill supplemental to an act regarding estrays and articles adrift.

Which was read a first time and passed to a second reading.

Mr. Sidwell introduced

Bill No. 58. A bill to amend an act regulating county Auditor's fees.

Which was read a first time and passed to a second reading.

Mr. Sidwell introduced

Bill No. 59. A bill to authorize plank, McAdamized, or gravel road companies, to sell or transfer their corporate property and franchises, and to authorize the purchasers thereof to organize themselves into a corporation, and defining its powers.

Which was read a first time and passed to a second reading.

Mr. Martin introduced

Bill No. 60. A bill concerning conveyances and other writings, and the sealing thereof.

Which was read a first time and passed to a second reading.

Mr. Hillyer introduced

Bill No. 61. A bill to authorize township assessors to correct errors in assessments of real estate.

Which was read a first time and passed to a second reading.

Mr. Shanks introduced

Bill No. 62. A bill to authorize master commissioners to take acknowledgments of deeds, mortgages, &c.

Which was read a first time and passed to a second reading.

Mr. McClure introduced

Bill No. 63. A bill to repeal the fifth section of an act therein named.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 64. A bill prescribing the manner of impanneling petit jurors, the number thereof, and repealing certain acts therein named.

Which was read a first time and passed to a second reading.

On motion,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

The Speaker laid before the House the following communication from the Auditor of State, with an accompanying report:

OFFICE OF STATE AUDITOR, }
Indianapolis, Ind., January 17, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR—I have the honor to acknowledge the receipt of the following resolution of the House of Representatives, over which you preside, viz.:

Resolved, That the Auditor of State be requested to furnish to this House, for the use of the committee on apportionment, a correct statement of the number of white male inhabitants over twenty-one years of age, in each county in this State, according to the latest returns of the same."

In reply to which resolution, I have the honor herewith to transmit to the House of Representatives a statement made from the original returns filed in this office, by the different county auditors in the State, for the year A. D. 1853.

The difference in some of the figures as given in the accompanying statement, and those shown in the official report from this office, were occasioned by an oversight in reading the proof sheets of table No. 15.

I have the honor to be, sir, your obedient servant,

JOHN P. DUNN, *Auditor of State*,

By R. S. Hicks, *Deputy*.

ORDERS OF THE DAY.

House bill No. 7. A bill to abolish the seventh judicial circuit. The question being upon the adoption of the bill as amended, which reads as follows:

"A bill to abolish the 7th judicial circuit of the State of Indiana, creating a 12th judicial circuit, and fixing the times of holding courts therein,"

It was adopted

Ordered, That the Clerk inform the Senate thereof.

BILLS INTRODUCED.

Mr. Huffstetter introduced

Bill No. 65. A bill to amend section 368 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State.

Was read a first time and passed to a second reading.

JOINT RESOLUTIONS ON SECOND READING.

No. 3. A joint resolution on the subject of the political excitements of the times.

Was read a second time and ordered to be engrossed.

House Bills on Third Reading.

No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents' estates; prescribing the rights, liabilities, and duties of officers connected with the manage-

ment thereof, and the heirs thereto; and certain forms to be used in such settlement; approved June 17, 1852.

Was read a third time, when

Mr. Hudson moved to recommit the bill to the judiciary committee, with instructions to abolish the appearance docket in the court of common pleas.

Which motion prevailed.

No. 10. A bill to repeal all laws now in force for establishing the times of holding common pleas courts in the district composed of the counties of Knox, Daviess, Pike, and Martin, and to fix the times of holding said courts.

Was read a third time, when

Mr. Murray moved to refer the bill to the committee on the judiciary, with instructions to inquire into its constitutionality.

Which motion prevailed.

No. 11. A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved Jan. 18, 1852.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Herve, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McConnell, McFarland, McMurry, Mallick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanlord, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, Mr. Speaker—88.

No member voted in the negative.

So the bill passed.

Mr. Smith of Perry moved to insert the words, "three hundred and third section of," in the title of the bill.

Which motion prevailed.

The title, as amended, was adopted.

Ordered, That the Clerk inform the Senate thereof.

No. 19. A bill to amend an act relative to general indexes of records.

Was read a third time, when

Mr. Trusler moved to refer the bill to the committee on fees and salaries, with instructions to strike out that part precluding the Auditor from any additional compensation, and insert, "and be allowed fifteen cents for every one hundred words thereof."

Which motion did not prevail.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Brothwell, Buskirk, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gordon, Gwinn, Hadsell, Hargrove, Harryman, Hervey, Hudson, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Williamson, Wood and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Bonner, Clark of Rush, Essex, Gilham, Hall of Warren, Hardin, Jeter, Landers, McCord, Peckenpough, Shanks, Studabaker, Sturgis, Test and Wheeler—16.

So the bill passed.

Mr. Smith of Perry moved to amend the title so as to read as follows:

"A bill to amend the 1st, 2nd, and 4th sections of an act entitled 'an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals;' approved February 16, 1852."

Which motion prevailed.

The title, as amended, was adopted.

Ordered, That the clerk inform the Senate thereof.

No. 22. A bill to amend the seventy-sixth section of an act entitled an "an act defining misdemeanors, and prescribing punishment therefor;" approved Jan. 14, 1852.

On motion by Mr. Murray,

The bill was recommitted to the judiciary committee.

No. 24. A bill to amend the third and fourth sections of an act entitled "an act for the incorporation of cities."

Was read a third time,
And the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurray, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Wilson, Wheeler, Wood and Mr. Speaker—86.

No member voting in the negative.
So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 29. A bill to amend an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State."

Was read a third time.
And the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Essex, Fouts, Frazer, Gifford, Gwinn, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, Humphreys, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurray, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, Mr. Speaker—81.

No one voted in the negative.
So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 38. A bill authorizing county agricultural societies to purchase and hold real estate.

Was read a third time.

And the question being, "shall the bill pass?"

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hall of Laporte, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Williamson, Wilson, Wood, Mr. Speaker—78.

Mr. Wheeler voted in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Meredith,

The vote adopting the title of House bill No. 24, an act to amend an act entitled "an act for the incorporation of cities," was reconsidered.

On motion by Mr. Meredith,

The title was amended, by inserting the words "the third and fourth sections of," after the word "amend."

The title, as amended, was then adopted.

Ordered, that the Clerk inform the Senate thereof.

Senate Bills on Third Reading.

No. 5. A bill to amend the thirty-second and seventy-fifth sections of an act entitled "an act fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties in this State;" approved March 4, 1853.

Mr. Murray moved to refer the bill to the judiciary committee, with instructions to inquire into the constitutionality of the same. Which motion prevailed.

Senate Bills on First Reading.

No. 30. A bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 19, 1852.

Which was read a first time and passed to a second reading.

No. 33. A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot.

Which was read a first time and passed to a second reading.

No. 4. An act supplemental to an entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana and to provide for the draining and reclaiming thereof in accordance with the condition of said grant;" approved May 29, 1852.

Which was read a first time and passed to a second reading.

No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 9, 1852.

Which was read a first time and passed to a second reading.

No. 8. A bill for the relief of the borrowers of the common school fund, and of the purchasers of school lands belonging to the State of Indiana.

Which was read a first time and passed to a second reading.

No. 24. A bill to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana.

Was read a first time.

Mr. Test moved to suspend the rules that the bill might be read a second time.

The question being put,

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Rush, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Humphreys, King of Johnson, Lewis, Lowe, McConnell, McCord, McMurry, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, New-

comb, Peckenpaugh, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Williamson, Wilson, Wood, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Dunn, Essex, Gordon, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Logan, McClure, McFarland, Martin, Miller, Schoonover, Shull, Sturges, Tanner, Weir, and Wheeler—20.

So the rules were suspended, and

The bill was read a second time.

Mr. Newcomb offered the following amendment to the fourth section:

Add these words: "and he shall appear on behalf of the State in all cases in the Supreme Court in which the State is a party, and he shall be entitled to a docket fee of ten dollars in all cases determined in favor of the State, to be taxed against the adverse party, to be collected as other fees are collected in said court."

Mr. Frazer moved to refer the bill and amendment to the judiciary committee.

Which motion prevailed.

Mr. Davis moved to excuse Mr. Hume from serving on the committee on temperance.

On motion by Mr. Buskirk,

The House adjourned till 9 o'clock on to-morrow morning.

FRIDAY MORNING, 9 o'clock, }
January 19th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Monks, the following petition:

To the Honorable Senate and House of Representatives of the State of Indiana:

The undersigned members of the Grand Lodge of the Independent Order of Good Templars of the State of Indiana, representing forty-one subordinate lodges in said State, assembled at Winchester, January 16, 1855, respectfully petition your honorable bodies for themselves, and the order they represent in Grand Lodge aforesaid, to enact a prohibitory law, embracing in its provisions, the principles of seizure and confiscation, believing that none other will effectually rid our State of the baneful effects of the liquor traffic; and as in duty bound, &c.

James H. Williamson, George White, Marion Row, A. Stone, J. A. Thompson, James O'Brian, J. C. Thompson, Wm. Davenport, J. A. Wood, J. H. Hutchens, O. M. Mills, J. C. Kirkpatrick, Joseph Butler, Levi Griffith, Clarkson Reynolds, Dennis Perlee, Wm. C. Jobes, John Pomtions, E. B. Spencer, Henry Craven, Silas Small, F. G. Hall.

On motion by Mr. Walpole,

The petition was ordered to be spread upon the journal and referred to the committee on temperance.

By Mr. Hillyer,

From sundry citizens of Floyd county, praying the recharter for twenty years of the State Bank of Indiana.

Mr. Hillyer moved to refer the petition to a select committee, consisting of Messrs. Test, Hervey, Hardin, Trusler, and Clark of Rush.

Mr. Murray moved to refer the petition to the committee on banks.

Which motion did not prevail.

The question then being upon referring the petition to said select committee,

It was so referred.

Mr. Clark of Tippecanoe moved to add Mr. Wilson to said select committee.

Which motion prevailed.

By Mr. Merrifield,

From sundry citizens of St. Joseph county, praying for the passage of a law prohibiting the desecration of the Sabbath.

Which,

On motion by Mr. Shanks,

Was referred to the committee on the rights and privileges of the inhabitants of this State.

Mr. Merrifield moved to instruct the committee to report a bill in accordance with the prayer of the petition.

Which motion prevailed.

By Mr. Hall of Laporte,

From sundry citizens of Laporte county, praying the passage of a stringent prohibitory liquor law.

Which,

Upon his motion,
Was referred to the committee on temperance.

By Mr. Hall of Laporte,

From the citizens of Laporte county, praying the passage of a law similar to the Maine liquor law.

Which,

On motion by Mr. Merrifield,
Was referred to the committee on temperance.

On motion by Mr. Test,
Leave of absence was given to Mr. Dickerson until Monday next.

REPORTS FROM STANDING COMMITTEES.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred the resolution No. 20, have had the same under consideration, and report as follows, to-wit: that they recommend that one copy of the Weekly Republican and three copies of the Daily be subscribed for, two of which shall be enveloped and stamped, and laid upon the desks of the members.

Which report was concurred in.

Mr. Mellett moved to reconsider the vote concurring in the report.

Which motion prevailed.

Mr. Mellett then moved to strike out the words "Weekly Republican."

Which motion prevailed.

The question then recurring on the concurrence in the report, Messrs. Humphreys and Huffstetter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson,

Dunn, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hardin, Harryman, Hester, Hillyer, Hudson, McConnell, McCord, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Test, Turner, Wilson, Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Earl, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, McMurry, Malick, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Todd, Trusler, Usry, Walpole, Weir, Williamson, Wheeler, Wood—46.

So the report was concurred in.

RESOLUTIONS INTRODUCED.

On motion by Mr. Cotton,

Resolved, That the committee on education be and is hereby instructed to inquire into the propriety of so changing the present school law, as to allow a districting of the several townships into school districts, and allow the election of a trustee in each district, and authorizing the taxing of such district by a vote of the citizens thereof, for the purpose of building a school house, if one be needed.

On motion by Mr. Beach,

Resolved, The Senate concurring, that three thousand copies of the annual report of the commissioners and superintendent of the Indiana Hospital for the Insane, be printed and placed in the hands of the superintendent, for the use of said institution.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. King of Madison,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, so that all county and township roads, hereafter located, shall be located on section lines, or as near said section lines as is practicable, with leave to report by bill or otherwise.

Mr. Landers offered the following resolution:

Resolved, That the committee on fees and salaries, be instructed to inquire into the expediency of reducing the fees of the clerks of circuit courts, and also county auditors and county treasurers; and report by bill or otherwise.

Which was not adopted.

Mr. Essex offered the following resolution:

Resolved, That the Governor be requested to inform this House, whether the office of Agent of State can be abolished without injury to the interests of the State.

Which resolution was not adopted.

Mr. Studabaker offered the following resolution:

Resolved, That the committee on fees and salaries be instructed to report a bill, so amending the fee bill, as to allow recorders a fee of seventy-five cents for recording each deed.

Mr. Sanford moved to insert "and mortgage," after the word "deed,"

Which motion prevailed.

Mr. Hervey moved to insert the words "in advance" after "cents."

Mr. Cotton moved to lay the resolution and amendments upon the table,

Which motion prevailed.

On motion by Mr. Walpole,

Resolved, That the committee on the rights and privileges of the inhabitants of the State, be instructed to inquire into the expediency of requiring all railroad companies to construct and maintain on the line of their respective roads, good and sufficient cattle guards—so as to protect growing crops, on farms through which said road passes, against injury from cattle running at large, with leave to report by bill or otherwise.

Mr. Merrifield offered the following resolution:

Resolved, That the committee on accounts and mileage be instructed to report such amendments to "an act to regulate the mileage of sheriffs, in conveying convicts to the state prison, and of county treasurers in making deposits, and in their settlement with the treasurer and auditor of State, and the mileage of members of the general assembly," as will make the distances correspond with the usual traveled route.

Which was not adopted.

Mr. Test offered the following resolution:

WHEREAS, The abolition of the courts of common pleas, and the creation of ten additional circuits, increasing the salary of the judges of the circuit court to \$1500, and transferring the probate business to said circuit courts, with power to hold three terms a year, would be a great saving of expense to the people of the State, and avoid numerous conflicts in the jurisdiction of the courts, and greatly promote the ends of justice, therefore,

Resolved, That a select committee be appointed of one from each judicial circuit, to act with a similar committee to be appointed on the part of the Senate, to report a bill or bills abolishing said courts of common pleas, and creating ten additional circuits, with power to hold three terms a year, and transact the business now confided to said courts of common pleas to the circuit courts of the State, and that this resolution be communicated to the Senate, and their concurrence respectfully requested.

The question being on the adoption of the resolution, Messrs. Test and Huffstetter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Buchanan, Buskirk, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Dickerson, Ellis, Fouts, Frazer, Gilham, Hadsell, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hume, King of Johnson, King of Madison, McConnell, McCord, Malick, Mellett, Murray, Newcomb, Peckenpaugh, Peden, Shryock, Shull, Test, Trusler, Turner, Weir, Wilson, Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Alden, Beach, Brothwell, Cain, Coen, Cotton, Crozier, Davis, Essex, Gifford, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hudson, Huffstetter, Humphreys, Hunt, Landers, Lemon, Lewis, Logan, Lowe, McClure, McFarland, McMurray, Martin, Meredith, Merrifield, Miller, Monks, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Todd, Usry, Williamson, Wood—48.

So the resolution was not adopted.

Mr. Frazer offered the following resolution:

Resolved, That the committee on education be instructed to report a bill providing by taxation a sufficient fund (with the avails of the permanent fund devoted to that purpose) to sustain schools throughout the State six months in each year.

The question being on the adoption of the resolution,
The ayes and noes were demanded by Messrs. Frazer and Beach.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dickerson, Ellis, Fouts, Frazer, Gilham, Hadsell, Hall of Warren, Harryman, Hester, Hillyer, Hudson, McCord, Meredith, Murray, Merrifield, Monks, Peden, Sanford, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Sturgis, Todd, Trusler, Turner, Wood, Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Cain, Carnahan, Crozier, Davis, Essex, Gifford, Gordon, Gwinn, Hall of Laporte, Hardin, Hargrove, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Miller, Peckenpaugh, Peyton, Schoonover, Studabaker, Tanner, Test, Usry, Weir, Williamson, Wheeler,—40.

So the resolution was adopted.

The Speaker laid before the House the following communication from the Superintendent of Public Instruction, with the accompanying report:

HON. DAVID KILGORE,

Speaker of the House of Representatives:

DEAR SIR—I have the honor herewith to transmit to you a copy of the third annual report of the Department of Public Instruction, to be laid before the honorable body over which you preside.

Yours respectfully,

CALEB MILLS,

Superintendent of Public Instruction.

January 19, 1855.

Which,

On motion by Mr. Frazer,
Was laid upon the table.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
Indianapolis, January 19, 1855. }

TO HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—Feeling it to be my duty to call the attention of the legislature to the fact that there is no law existing, whereby the State and county taxes can be collected from banks and bankers, who do not reside in this State. There is now in the hands of the Auditor of State, the accrued interest for the last six months, a part of which, might be by law, paid over for State and county taxes, should the legislature deem it just and proper to do so. I submit this for the consideration of the legislature.

Respectfully,

JOHN P. DUNN,
Auditor of State.

On motion by Mr. Meredith,

The communication was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
Indianapolis, January 19, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—I have the honor to acknowledge the receipt of the following resolution of the House of Representatives, over which you preside—passed January 18th, 1855, viz:

Resolved, That the Auditor of State be hereby respectfully requested to inform this House what amount of the swamp land fund, if any, has been absolved by the Auditor and Secretary of State respectively, on account of patents of such swamp lands to purchasers; also, whether or not in cases where a single purchase of such lands by one person has embraced 80 acres or more, the same has been patented to such purchaser by several patents, each embracing acres or less, at an expense of \$1.00 to the fund for every such patent—or if not, what has been the rule observed upon the subject.

In reply to first query contained in the foregoing resolution, I have to say, that the Secretary of State has been allowed and paid out of the general swamp land fund, for his services in issuing and recording at full length on the records in his office, the sum of fifty

cents for each patent; that the number of patents issued on account of sales of swamp lands in the State is 16,219, which makes the aggregate, allowed him for the services aforesaid, the sum of *eight thousand one hundred and nine dollars and fifty cents*.

That the Auditor of State, for issuing certificates and recording the same upon the tract books in his office, as the law requires, and for adjusting and auditing the claims of commissioners and contractors on account of sales and drainage of the swamp lands of the State, has been allowed and paid a like compensation as that of the Secretary of State, to-wit—\$8,109 50. It may not be improper, to also observe in connection herewith, that the services mentioned above, were not all the services required by law of the Auditor, in relation to said swamp lands, but that in addition thereto, he was required to open and keep a separate account current with the treasuries of the different counties, of the amount of moneys received and disbursed by them on account of such sales.

In reply to that part of said resolution relating to the patenting said swamp lands in 40 acre tracts, I have the honor to submit the following statement:

Section 3 of an act to regulate the sale of Indiana swamp lands and for other purposes, passed May 29th, 1852, provides among other things, that "it shall be the duty of the Auditor of State as soon as possible after the State shall receive her patent from the United States for the swamp lands, to cause to be prepared maps or plats of all swamp lands lying within the bounds of each county separately, showing the township, range, section, and parts of sections, together with the number of each, in which such lands may lie;" which map or plats were, by said State Auditor, to be forwarded without delay, to the respective county auditors.

Section 5 of the same law, provides also, among other things, that "it shall be the duty of county auditors to attend at the court house of his county, at the time mentioned in the notice of sale of said swamp lands, and offer for sale at public auction in legal subdivisions, and as near as practicable, in half quarter sections, all the swamp lands in said counties respectively."

This act, as will appear from the foregoing sections, seemed to require that maps or plats should be made out by the Auditor of State in legal subdivisions, and that the county auditors in making such sales, should be governed, as near as was practicable, with half quarter sections. In arriving at the meaning of the word legal subdivisions of land, we have to go to the expressions of the legislature themselves in the term immediately following, such word "legal subdivision," they say it means half quarter sections, and upon that meaning they order the swamp lands sold, or as near as is practical therewith. In one word, they say that no man can purchase less than eighty acres of swamp lands at such public sales.

Now, if the Auditor of State could have went to work and made out the maps or plats contemplated by section 3 above quoted, it would undoubtedly have been his duty, under and in pursuance of

section 5, also above quoted, to make out such map or plats in the legal subdivisions, therein contemplated, and should the sales of such swamp lands have been made in accordance with the law referred to, it would have been clearly his duty to issue the certificates or patents to the purchasers, in such legal subdivisions. But the patents to the swamp lands, granted under the act of the 28th September, 1850, from the United States, did not arrive at this office until the spring of 1853, consequently the sales of said lands was not made in pursuance of the act of the general assembly of May 29, 1852, nor were the maps or plats made under the provisions of said law.

Section 2, of an act entitled "an act supplemental to the act above referred to, approved March 4, 1853," provides that "the auditor of each county shall also allow any person to enter a legal subdivision of forty acres, or less, when the same constitutes one tract according to the survey and plat of the United States Surveyor." Taking this act in connection with the act to which it is amendatory, we are led to conclude that the legislature of 1853, seeing the evident hardship and injustice which the former law would work upon the poorer class of community in this, that they should not partake of the benefits of the law, unless they appeared in competition with the rich, and bid off at least eighty acres, and that many of our citizens could not command enough means to purchase an eighty acre tract, but who could pay for a forty acre piece—amended the law first referred to, and wisely as we think, placed the *legal subdivision* at forty acres.

Taking this view of the case, and being compelled to make out and transmit to the different county auditors, the maps or plats contemplated by law, and being further required to make out and keep a complete set of tract books for this office, agreeing in description and quantity with said maps or plats. It became a very important question to me to so arrange said maps or plats, and tract books as to correspond with the entries of such lands, according to the last legal subdivision thereof, as made by the legislature of 1853, it was self-evident that uniformity should be regarded in the maps or plats and the tract books, so as to correspond with the numbers of certificates, description, and quantity of acres sold. Hence, I deemed it to be my duty to follow the lowest legal subdivisions in the arrangement of such maps or plats and tract books, and in a consequence, the patents had to be issued in such a manner as to agree with the number, description and quantity, as shown by the plats and tract books, any other course in relation to the arrangement of this matter, would have resulted in endless confusion, and inextricable clashings of the entries and the records. Thus, to illustrate, suppose this office had went on under the provisions of the law of 1852, and made up the plats and tract books in subdivisions of eighty acres, and under the law of 1853, sales should have been made, as they were, of subdivisions of forty acres. What, I respectfully ask, would have prevented the inestimable confusion,

which must necessarily have ensued, in regard to the numbers of the certificate of sales, and the numbers, description and quantity patented, and the records of the maps or plats and tract books?

It was impossible under the law and the circumstances of the case, to have pursued any other course in reference to the correct patenting of said swamp lands than the one which was pursued by this office. If the records should have been made in eighty acre subdivisions as contemplated by the act of 1852, it would have saved this office one half of the labor and vexation growing out of the forty acre subdivision required by the amendatory act of 1853.

These are the principal facts and points upon which the action of this office has been based in its discharge of the duties of the swamp land department; and in conclusion permit me to express the belief, that in selling the swamp lands of the State in forty acre parcels, it has been the means of swelling the swamp land fund to a great extent.

I have the honor to be, sir,

Your obedient servant.

JOHN P. DUNN,

Auditor of State.

Mr. Frazer moved to refer the communication to the committee on the judiciary.

Which motion prevailed.

Mr. Frazer moved to instruct the committee as follows:

"To inquire whether there was authority of law for the change made by said officers; and if not, to report a bill or joint resolution authorizing suit against those officers, to recover back the amount illegally charged."

Which motion prevailed.

On motion by Mr. Sturgis,

Resolved, That the committee on county and township business be required to inquire into the expediency of amending that part of the law requiring county treasurers to visit the different townships, for the purpose of collecting taxes.

On motion by Mr. Murray,

Resolved, That the principal and assistant clerks be instructed to procure a new writing desk for the clerks of this House.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, January 19, 1855. }

Hon. Speaker of the House of Representatives:

SIR:—The resolution of the body over which you have the honor to preside, “requesting the auditor of State to ascertain, at as early a period as possible, from the several auditors of the counties of this State, the amount by them respectively allowed and paid for the annual expenses of the common pleas courts, including the salaries of the judges, jury fees, and other expenses incident to said court, and that he report the same to this House.”

I think it impossible to collect the information desired in the above resolution in time to answer the purpose of this present Legislature; but by passing an act or resolution making it the duty of the various clerks of the courts of common pleas to report a detailed statement of their courts for the next two years, the succeeding Legislature would be fully advised of all the matters they desire. However, should your house insist on the notices being sent, I will try to have it done.

Respectfully, yours,

JOHN P. DUNN,
Auditor of State.

Which,

On motion by Mr. Humphreys,
Was laid on the table.

Mr. Hillyer offered the following resolution:

Resolved, That the doorkeeper be instructed to furnish the principal clerk of the House with postage stamps which may be required to conduct his official correspondence.

Mr. Landers offered the following amendment:

And be it further resolved, That the same right be granted to doorkeepers and assistants.

On motion by Mr. Hervey,

The amendment to the resolution was laid upon the table.

The question being upon the adoption of the resolution, it was adopted.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

RESOLUTIONS.

Mr. Brazelton offered the following resolution:

WHEREAS, there is a general complaint of headache and drowsiness on the part of members of this body; and **WHEREAS**, it is believed that these are the result of tobacco smoke:

Resolved, That the doorkeepers be and they are hereby instructed to prevent smoking in the lobbies.

Which was not adopted.

Mr. Hadsell offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to authorize the township trustees to levy an *ad valorem* tax on all taxable property, of not more than 25 cents on every one hundred dollars, and a specific tax of not more than one and one-fourth cent on each acre of land in their respective townships, and report by bill or otherwise.

Which resolution was not adopted.

On motion by Mr. Shanks,

Resolved, That in the opinion of this House, it is held to be anti-democratic and anti-republican for any member to dodge into the lobbies, or out of the hall, to avoid a vote on the school, or any other question.

On motion by Mr. Newcomb,

Resolved, That when this House adjourns, it adjourn until two o'clock P. M., on Monday next.

On motion by Mr. Meredith,

Mr. Sanford was added to the committee on temperance.

On motion by Mr. Meredith,

Mr. Sturgis was added to the committee on banks.

On motion by Mr. Beach,

Mr. Sturgis was added to the committee on benevolent and scientific institutions.

On motion by Mr. Newcomb,

The House adjourned till Monday, 2 o'clock, P. M.

MONDAY, 2 o'clock, P. M., }
JANUARY 22, 1855. }

House met pursuant to adjournment.

The journal of Friday was read and adopted.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the Education of the Blind:

INSTITUTION FOR THE BLIND, }
Indianapolis, Jan. 22, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR—The following resolution, passed by the body over which you preside, has been communicated to me:

Resolved, That the members of this House respectfully invite the Superintendent of the Asylum for the Education of the Deaf and Dumb, and also the Superintendent of the Asylum for the Education of the Blind, to hold exhibitions of the proficiency of the pupils under their respective charges, for the information of the members of this General Assembly, on such evening as each of them may select."

But for my desire to select a time mutually agreeable to all parties, I should have returned an earlier answer to the above. After conferring with the House and Senate committees on benevolent institutions, we have selected the evening of Wednesday, Feb. 14, 1855, as an appropriate time, and the exhibition room at the Institution for the Blind as the most desirable place.

The exhibition for the instruction for the Blind, will therefore the House and Senate not objecting, be held at the Institution, on Wednesday evening, the 14th of February, beginning at 6 o'clock.

Yours respectfully,

GEO. W. AMES, *Superintendent*.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Stanton,

A petition from sundry citizens of Wayne county, on the subject of temperance.

On motion by Mr. Stanton,

The petition was referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Spotswood, from the committee on elections, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of certain citizens of Perry county, praying that the seat of the Hon. Ballard Smith in this body should be declared vacant, upon the ground that Mr. Smith was not a citizen of Indiana for two years next preceding his election, beg leave to make the following report:

1. The persons who contest his seat have not complied with the provisions of the law in relation to contested elections.

2. Sufficient evidence has not been laid before the committee to prove that Mr. Smith was not a resident of Indiana for two years next preceding his election.

3. Mr. Smith holds a certificate of election, duly authenticated from the Clerk of Perry county, and has received a majority of the votes cast for representative by the voters of his county.

The committee think that Mr. Ballard Smith is entitled to a seat in this body, and respectfully beg to be discharged from further consideration of the subject.

The report was concurred in.

Mr. Ellis moved to reconsider the vote concurring in said report. Which did not prevail.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 37, entitled "a bill to repeal section 94, chapter 10, 2 R. S. 1852," have had the same under advisement, and have instructed me to report the same back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 22, entitled "a bill to amend the seventy-sixth section of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,'" approved June 14, 1852, have had the same un-

der consideration, and have instructed me to report the same back with the following amendment, viz: Strike out all of said bill after the words "be and the same is hereby amended," &c., including said words, and insert in lieu thereof the following, viz: "be and the same is hereby repealed."

The report was not concurred in, and the bill ordered to be engrossed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill No. 44, entitled "an act to amend section seven of an act entitled 'an act touching vacancies in office, and filling the same by appointment,'" approved May 13, 1852, would respectfully report, that they have had the same under advisement and recommend its indefinite postponement; and having fully reported, they ask to be discharged from the further consideration thereof.

The report was concurred in, and

On motion by Mr. Schoonever,

The bill was laid upon the table.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of Charles Whitmore, Mayor, and others, in reference to the inefficiency of the law governing our cities, "in that it inflicts punishment for the commission of crime *only by fine, or imprisonment in the county jail,*" &c., and praying that the law for the incorporation and government of cities, be so amended as to give the proper authorities thereof power to inflict CHAIN-GANG PUNISHMENT upon all culprits whom they have authority to punish," would respectfully report, that they have had the same under advisement, and deem it inexpedient to grant the prayer of said petition. They regard the punishment proposed to be substituted for imprisonment in the county jail as too degrading for those trivial offenses as the punishment for which it is proposed, and as tending necessarily and directly to harden comparatively innocent persons in vice, and qualify them ultimately for the commission of more flagrant offenses against society. They regard houses of refuge, wherein such petty offenders may receive instruction, and be thereby led to reformation, as altogether better calculated to advance the well-being, both of these offenders and society, than the harsher means demanded by the petitioners, besides being more in accordance with the genius of our free institutions and the enlightened and benevolent spirit of the age. And having fully reported, your

committee ask to be discharged from the further consideration of said petition.

The report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 53, entitled "a bill to repeal section 8, of article 8, of the constitution of Indiana, relative to superintendent of public instruction," respectfully report, that they have had the same under advisement, and recommend its indefinite postponement; and your committee ask to be discharged from any further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 40, entitled "a bill supplementary to an act, entitled 'an act prescribing the powers and duties of justices of the peace in State prosecutions,'" approved May 29, 1852, with instructions, have had the same under consideration, and instructed me to report the same back to the House amended according to instructions, and, upon its engrossment as amended, to recommend its passage.

The report was concurred in, and the bill was ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House resolution instructing them "to inquire into the expediency of repealing or *essentially* modifying the statutes upon the subject of descents, approved May 14, 1852, and report by bill or otherwise," would respectfully report, that they have had the same under consideration, and deem it inexpedient to repeal the statutes referred to in said resolution; and that owing to the general and indefinite character of the resolution in relation to modifying said statutes, they do not deem it proper for them, without more definite instructions, to report upon the expediency of such modifications as

are contemplated by said resolutions. And having fully reported, your committee ask to be discharged from the further consideration of said resolution.

The report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Hester, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of the House, instructing them to inquire whether the present school law extends to persons over the age of twenty-one years the privilege of attending the public schools, and if so, to inquire into the expediency of requiring them to do so at their own expense, without the aid of the public funds, have had the same under advisement, and have instructed me to make the following report thereon, to wit:

The present school law does not, in the opinion of your committee, contemplate the admission of persons over twenty-one years of age as scholars in the common schools organized under it, while at the same time that law interposes no direct prohibition against such persons becoming scholars therein. The necessary inference, from the language of the law, however, amounts to little less than an express prohibition. Regarding this as the undoubted intention of the legislature by which that law was enacted, your committee must be permitted to express their unanimous opinion against the constitutionality of any law to that extent which denies to adults the right to enter such schools as scholars. The language of that instrument is too plain to require interpretation or admit of doubt. It provides that "it shall be the duty of the general assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement," and to provide by law for a general and uniform system of common schools, wherein tuition "shall be without charge, and equally open to all." This language is very broad indeed—universal; and your committee do not feel disposed to limit what the constitution has left without limitation.

Nor do your committee regard the language of the constitution as less unequivocal in reference to the terms upon which scholars shall be admitted. In the system of common schools to be established under the constitution, "tuition shall be without charge," and as the schools are to be "equally open to all," all must be admitted on the same terms. Entertaining these views of the constitutional question involved in the resolution before them, your committee deem it unnecessary for them "to inquire into the expediency of requiring" the class of persons to whom said

resolution refers, "to attend the public schools at their own expense, without the aid of the public funds," as such requirement, whether expedient or inexpedient, would, unquestionably, be in derogation of the constitution. Your committee can not too earnestly urge upon the House, the necessity of the early establishment of "a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all," and therefore recommend the subject to the consideration of the committee on education, and that said committee be instructed to prepare and report a bill to the House at an early day, providing for the establishment of "a general and uniform system of common schools, wherein tuition shall be without charge and equally open to all, whether minors or adults, as contemplated by the constitution.

The report was concurred in.

Mr. Hester, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 50, entitled "a bill for the better protection of landlords, and to facilitate the renting of lands to tenants," have had the same under advisement, and have instructed me to report the same back to the House, and recommend its indefinite postponement.

Mr. Landers moved to lay the bill upon the table,

Which motion did not prevail.

The question being on the indefinite postponement of the bill,

Messrs. Carnahan and Hardin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Burnett, Buskirk, Clark of Rush, Dickerson, Gifford, Gilham, Gordon, Hadsell, Hall of Warren, Harryman, Hester, Hillyer, Hunt, King of Johnson, King of Madison, McConnell, McClure, Mellett, Merrifield, Monks, Murray, Peden, Sidwell, Shanks, Shull, Smith of Lagrange, Spotswood, Stanton, Sturgis, Thomas, Todd, Turner, Wood—38.

Those who voted in the negative were,

Messrs. Bonner, Buchanan, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Tippecanoe, Cotton, Crozier, Davis, Ellis, Essex, Gwinn, Hardin, Hargrove, Hervey, Hudson, Huffstetter, Hume, Humphreys, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McMurry, Martin, Montgomery, Newcomb, Pecken-

paugh, Sanford, Schoonover, Smith of Perry, Studabaker, Tanner, Usry, Weir, Williamson, Wilson, Wheeler, and Mr. Speaker—43.

So the bill was not indefinitely postponed.

The bill then was ordered to be engrossed.

Mr. Shanks, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 31, entitled "an act to amend an act entitled an act for the incorporation of high schools, academies, colleges, universities, theological institutes, and missionary boards, approved May 13, 1852," have instructed me to report the same back to the House, and recommend it indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Logan, chairman of the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of Isaac P. Smith, who represents that the State of Indiana is indebted to him for services rendered at the new penitentiary, and during the sitting of the commissioners appointed by the Governor to examine into the affairs of the prison, have carefully investigated this claim, and directed me to submit the following resolution:

Resolved, That the committee on ways and means are hereby directed to incorporate into the specific appropriation bill, an allowance to Isaac P. Smith of forty-one dollars and fifty-seven cents, which shall be his compensation in full for said services.

The committee recommend the adoption of the resolution, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the resolution adopted by the House.

Mr. Harryman, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred claims Nos. 5 and 7, herewith transmitted, have had the same under consideration, and beg leave to report unfavorable to the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

Mr. Buskirk moved that said claims be referred to the committee on ways and means, with instructions to incorporate the same in the specific appropriation bill.

Which motion prevailed.

Mr. Essex, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of Henry Wells, treasurer of Lake county, Indiana, praying the Legislature to release and discharge him from the payment of nine hundred and fifty dollars, derived from the sale of swamp lands in said county, and which was stolen from him, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

No. 66. A bill for the relief of Henry Wells, treasurer of Lake county, Indiana.

Which was read a first time and passed to a second reading.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House joint resolution No. 3, and House bills Nos. 23, 26, 43, 45, 46, and 49, and find that the same have been correctly engrossed.

REPORTS FROM SELECT COMMITTEES.

Mr. Lowe, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 28, which has for its object the fixing of the time of holding the court of common pleas in Warrick county, would respectfully report, that as a general law can be made applicable, and as a bill of this description is in progress of perfection, they would recommend that bill No. 28 be laid upon the table.

The report was concurred in, and the bill laid on the table.

RESOLUTIONS INTRODUCED.

On motion by Mr. Gordon,

Resolved, That the committee on the rights and privileges of the inhabitants of this State be requested to inquire into the expediency of so amending the law regulating railroads, as to compel railroad

companies to erect and keep up sign boards at their crossings of each township, county, and State road in this State, giving their time of crossing the same, with leave to report by bill or otherwise.

Mr. Todd moved that the House adjourn.

Which motion did not prevail.

On motion by Mr. McConnell,

Resolved, That the doorkeeper be authorized to have fixed the dome of this house, so as to prevent leaking.

Mr. Humphreys offered the following resolution:

WHEREAS, Recent events plainly indicate that the pulpit is not always to be used in preaching Christ and him crucified, but is frequently to be converted into a political stump, from which fanatical demagogues are to vent fustian and falsehood for the promotion of partisan purposes, at the expense of the feelings of a respectable portion of their own congregations, who do not, under existing laws, feel safe in publicly exposing at the time, and within the sacred walls of a church, the tricks of these political priests, and thus unwillingly are compelled to permit impudent falsehoods to pass without proper correction, therefore,

Be it resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending sec. 37, chap. 6, of 2d volume Revised Statutes 1852, as to permit in the cases contemplated in the foregoing preamble, a respectful reply by any member of such congregations to such political discourses, at the same or any subsequent time, in the same or any other convenient place, without subjecting the person so replying to the penalty of said section; and that said committee report by bill or otherwise.

Mr. Newcomb offered the following amendment: to strike out the original resolution, and insert the following:

Be it resolved, That those who do not like what such preachers say, may "stop their feed."

Mr. Clark of Tippecanoe moved to lay the resolution and amendment upon the table.

The question then being upon laying the resolution and pending amendments upon the table,

Messrs. Humphreys and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Cotton, Crozier, Dickerson, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hunt, King of Madison, McConnell, McCord, McMurry, Malick, Martin, Mellett,

Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpangh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Sturgis, Tanner, Test, Thomas, Todd, Turner, Wilson, Wood, Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Carnahan, Essex, Gordon, Hester, Humphreys, Jeter, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Montgomery, Stanton, Usry, Weir, Williamson—18.

So the resolution and amendment were laid upon the table.

BILLS INTRODUCED.

Mr. Hester introduced

Bill No. 67. A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed.

Which was read a first time and passed to a second reading.

Mr. McConnell introduced

Bill No. 68. A bill providing for trial of causes in the several circuit courts in cases in which the circuit judge is interested or related to either of the parties, also providing for the holding of terms of such courts when such judge is absent or unable to attend, and repealing sections three and four of chapter four of the 2nd volume of the Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

Mr. Meredith introduced

Bill No. 69. A bill to prevent the erection of obstructions across navigable streams, and prescribing punishment therefor;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 70. A bill to amend the 17th, 20th, and 36th sections of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate and contest thereof;" approved May 31, 1852.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 71. A bill to provide for the service of summons on a witness by copy.

Which was read a first time.

Mr. Hester moved to suspend the rules that the bill might be read a second time.

The question being put,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Jasper, Essex, Gifford, Gilham, Gwin, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hillyer, Huffstetter, Humphreys, Hunt, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Peckenpaugh, Sanford, Schoonover, Sidwell, Shanks, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Turner, Usry, Weir, Williamson, Wilson, Wood and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Brazelton, Carnahan, Clark of Tippecanoe, Cotton, Crozier, Davis, Dickerson, Ellis, Hervey, Hume, Lemmon, Newcomb, and Todd—13.

So the rules were suspended and the bill was read a second time.

Mr. Buskirk offered the following amendment:

“It is hereby made the duty of the Secretary of State to immediately send a certified copy of the same to the clerks of the several counties.”

The question being on the adoption of the amendment,

Mr. Test moved to refer the bill and amendment to the committee on the judiciary.

Which motion prevailed.

Mr. Smith of Perry introduced

Bill No. 72. A bill to facilitate suits against the estates of foreign decedents having no personal representative in this State.

Which was read a first time and passed to a second reading.

Mr. Wheeler introduced

Bill No. 73. A bill to repeal a part of section two of an act entitled “an act regulating the fees of officers;” approved June 16, 1852; approved March 2, 1853; and to repeal section 5 of an act entitled “an act providing for the election of county sheriffs and prescribing some of their duties;” approved June 7, 1852, and amending section 25th of an act providing for the organization of county boards and prescribing some of their powers and duties; approved June 17th, 1852.

Which was read a first time and passed to a second reading.

Mr. Shanks introduced

Bill No. 74. A bill to regulate the taking of appeals from the courts of common pleas, and from justices of the peace.

Which was read a first time and passed to a second reading.

Mr. Hargrove introduced

Bill No. 75. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Which was read a first time and passed to a second reading.

Mr Shanks obtained leave and offered the following resolution :

Resolved, That this hall be respectfully tendered to any gentleman of honor, who feels himself insulted, or his high sense of honor touched, by the teachings or doctrines expressed by any reckless minister of the gospel, in order that he may vent his spleen, that he may have rest.

Mr. Schoonover moved to lay the resolution on the table.
Which motion prevailed.

On motion by Mr. Hall of Warren,
The House adjourned till to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
January 23, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, REMONSTANCES, PRESENTED.

By Mr. Shanks,

A petition from sundry citizens of Jay county, on the subject of the school law.

Which was referred to the committee on education.

By Mr. Branham,

A petition from sundry citizens of Jefferson county, on the subject of a garnishee law, for the collection of debts.

Which,

On motion by Mr. Studabaker,
Was referred to the committee on ways and means.

By Mr. Peden,

A petition from sundry citizens of Knightstown, Henry county,
on the subject of the usury laws.

On motion by Mr. Peden,
The petition was referred to the committee on the judiciary.

REPORTS OF STANDING COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means,
made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred the communication of the Auditor of State touching the application of the interest on the bonds deposited by the banks organized under the general banking law, have had the same under consideration, and have directed me to report to the House the following bill and recommend its passage:

Bill No. 76. A bill to authorize the Auditor of State to retain so much of the interest on the stocks of any bank as may be sufficient to indemnify the State against loss of any sum due by any bank to the State.

Which was read a first time and passed to a second reading.

Mr. Studabaker moved to suspend the rule and have the bill read a second time.

The question being put, "shall the rule be suspended?"

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker,

Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wood and Mr. Speaker—81.

Mr. Landers voted in the negative.

So the rule was suspended and the bill read a second time.

Mr. Meredith moved that the rules be suspended, and that the bill be considered as engrossed and read a third time.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Union, Clark of Tippecanoe, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—87.

No member voting in the negative.

So the rules were suspended, and the bill was read a third time. The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—89.

No member voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the subject of changing the time of holding the court of common pleas in Warrick county, have directed me to report to the House the following bill, providing for the changes in Warrick, and other counties in this State, and to recommend its passage.

No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto.

Which was read a first time and passed to a second reading.

Mr. Buskirk, from the committee on corporations, obtained leave and made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 9, entitled "an act authorizing railroad companies to create a preferred stock, have had the same under consideration, and have directed me to report the following amendment:

Strike out the bill from the enacting clause, and insert the accompanying bill in lieu thereof, and when so amended, they recommend its passage.

"That it shall be lawful for any railroad company, incorporated by special charter, or organized under the general railroad law of this State, in order to enable it to raise money for furnishing and equipping its road, paying its debts, or carrying out the objects of its organization, to create a preferred stock by the sale of new stock, or by making stock already subscribed preferred stock, in the manner hereinafter stated: *Provided, however*, That no railroad company paying an annual cash dividend of six per cent. or more, out of the nett earnings of the road, after paying all operating expenses, including cost of repairs, necessary improvements, and the full interest upon the indebtedness of such road, shall create any such preferred stock.

SEC. 2. The board of directors of any such company shall be authorized to create a first, and if they deem it expedient, a second preferred stock; and they shall, by a resolution, to be entered upon the record of their proceedings, determine and prescribe the terms upon which a stockholder may convert his stock, or any number

of shares thereof, into either first or second preferred stock, as he may elect.

SEC. 3. When such board shall have created a preferred stock, they shall cause the stockholders to be notified thereof, by publication for four successive weeks, in a newspaper of general circulation, printed and published in the place where such company has its principal office, and also, in some newspaper of general circulation, printed and published in each county through which said road may run, if there be any, setting forth the terms and conditions upon which stock, held at the time of such publication, may be converted into either first or second preferred stock. Any stockholder shall, at any time within sixty days after such publication, be entitled to convert all or any part of his stock into preferred stock, by complying with the terms which such board shall have prescribed, and if at the expiration of sixty days, as aforesaid, such preferred stock shall not have been taken by the stockholders, as aforesaid, in accordance with the terms prescribed by said board of directors then it shall be lawful for any other person or persons, to take such preferred stock, or any part thereof, upon the same terms and conditions and in the same manner prescribed by said board of directors in their resolution authorizing such subscription by the original stockholders in such company.

SEC. 4. Such board shall issue new certificates of stock, for such shares of stock as the holders thereof may elect to convert into first or second preferred stock, upon such holders complying with the terms and conditions prescribed by said board, and surrendering the original certificate for cancellation. Such new certificate of stock shall be designated, "first preferred stock," or "second preferred stock," as the case may be.

SEC. 5. The holders of the certificates of "first preferred stock" shall be entitled to a dividend not exceeding ten per cent. on the par value of the stock, and the amount advanced by the holder thereof, if the earnings of the road, after paying expenses and the interest upon the debts of the company, shall be sufficient to pay said dividend. After the payment of said dividend on said "first preferred stock," the holders of the certificates of "second preferred stock" shall be entitled to the dividend named in their certificate, and then the surplus, if any, shall be divided on the remaining stock; *Provided, however,* That if the net earnings of the road for any year shall be more than sufficient to pay the dividend upon the first and second preferred stock, and also a dividend upon the remaining stock equal to that on the second preferred stock, the remaining net earnings shall be divided between the second preferred stock and the unpreferred stock, until the dividend thereon shall be equal to that on the first preferred stock. If the net earnings shall be sufficient to pay a larger dividend on all the stock than that which is required to be paid on the first preferred stock, then such excess shall be equally divided on all the stock.

SEC. 6. Such board may also issue certificates of new stock,

either first or second preferred stock, or common stock, and may dispose of the same upon such terms and conditions, and at such prices, as may be deemed most advantageous to the company.

SEC. 7. That section twenty of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, be and the same is hereby repealed.

SEC. 8. Whereas, it is represented to this General Assembly that various railroad companies within this State are suffering great loss and inconvenience by being unable to prosecute their work, or provide equipage necessary for the business offered them, it is hereby declared that an emergency exists for the immediate passage of this act; and the same shall be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

On motion by Mr. Hudson,

The bill and amendment were referred to a select committee of one from each congressional district, consisting of the following gentlemen:

Messrs. Hudson, Walpole, Hester, Wilson, Huffstetter, Carnahan, Frazer, Trusler, Hall of Laporte, Murray, and Jeter.

Mr. Jeter, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the resolution of the House requiring said committee to inquire into the expediency of so amending the common school law, that all assessments and collections on the polls and taxable property of the citizens of this State for common school purposes, shall be distributed in the counties in which the same shall have been collected, having carefully considered the subject, and examined the constitution, find nothing contained therein to prevent the proposed change. The committee are aware, that in a large portion of the State the great opposition which exists against this law is the consolidation of the congressional township fund, and the levying of a tax for general school purposes, which tax is frequently diverted from the county where it has been collected, and feeling the great importance of education, whose beneficent light sheds peace and happiness over this vast country, are disposed to remove every cause of complaint. Neither would the proposed change in any manner conflict with section 1 of article 8 of the constitution, which makes it the duty the General Assembly to "provide by law for a general and uniform system of common schools." Those who oppose the law in its present form, do not oppose the levying a tax, but the distribution of it in other counties than those in which it has been collected.

The committee, then, are unanimously of the opinion that the

operations of the law, as it now exists, are unequal and unjust, and ought to be modified as far as possible without coming in conflict with the constitution. The committee have therefore directed me to report the same back to the House, and recommend the passage of the following:

Bill No. 78. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Which was read a first time and passed to a second reading.

RESOLUTIONS INTRODUCED.

Mr. Newcomb offered the following resolution:

Resolved, That in the opinion of this House, the number of Senators and Representatives could be reduced without detriment to the public service; and the committee on apportionment is hereby instructed to provide in the bill to be reported by them apportioning the number of Senators and Representatives among the several counties of this State, for thirty Senators and seventy Representatives, and no more; and that they provide in said bill that the pay of members of the Legislature be raised to four dollars per day.

Which,

On motion by Mr. Newcomb,

Was made the special order of the day for to-morrow, two o'clock.

On motion by Mr. Walpole,

Resolved, That the committee on the rights and privileges of the inhabitants of the State be instructed to report a bill, providing therein that the offense of seduction of any female of previous good repute to be a felony, and the offender, upon conviction, be imprisoned at hard labor in the State prison for a determined period of time.

The ayes and noes were demanded by Messrs. Humphreys and Walpole.

The question being put,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Gifford,

Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood, and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. King of Johnson, Murray, Test, and Wheeler—4.

So the resolution was adopted.

On motion by Mr. Clark of Steuben,

Resolved, That the superintendent of the Insane Asylum, the superintendent of the Deaf and Dumb Asylum, and the superintendent of the Blind Asylum, be requested, as far as practicable, to report to this House the number of inmates of their several institutions who are the immediate descendants of parents who are allied to each other by the ties of consanguinity, as near as first or second cousins; and that the clerk of this House be instructed to transmit a copy of this resolution to the several superintendents above referred to.

On motion by Mr. Test,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the first section of the 65th chapter of the Revised Statutes of 1852, requiring persons or corporations carrying on the business of stock and exchange brokers, selling and buying stocks, bank notes, gold, silver, promissory notes and bills of exchange, and requiring such person or corporation to pay into the proper county treasury one hundred dollars, for license to carry on such business, so to amend said act as to require such person or corporation to pay into the county treasury, for such license, a sum rationally in proportion to the amount of capital invested in the carrying on such business; the sum so invested to be ascertained by the oath of the person, or some officer of the corporation so desiring to carry on such business.

Mr. McConnell offered the following preamble and resolution:

WHEREAS, The Governor, in his annual communication, recommended that the present efficient Treasurer of State be allowed a reasonable compensation for the receiving and disbursing the swamp land fund; therefore,

Resolved, That the treasurer be requested to state to this House whether he has received from or contracted to receive from any person, corporation, or company, any interest or compensation for the use of said fund, or any part thereof, or any other fund belonging to the State.

Which was adopted.

On motion by Mr. King of Johnson,

Resolved, That the committee on the judiciary be instructed to report a bill to this House repealing the act establishing the courts of conciliation; approved June 11th, 1852.

On motion by Mr. Walpole,

Resolved, That the committee on the judiciary be instructed to report a bill, providing that any person who shall be the keeper of any gaming table, roulette, shuffle boards, faro bank, nine pin or ten pin alley, who shall suffer any minor to play on such table or alley, (knowing such person to be a minor) shall be deemed guilty of a misdemeanor, and be subject, upon conviction, to fine and imprisonment in the common jail of the county where the offense occurred, and for such period as may be fixed on by law.

On motion by Mr. Walpole,

Resolved, That the judiciary committee be instructed to report a bill, providing that any person, being an adult, who shall play or bet at or upon any game or wager, with a minor, knowing such person to be a minor, shall be deemed guilty of a crime, to be punished by fine and imprisonment in the common jail of the proper county, or the State prison, as the jury may determine, and for such period as the Judge may determine.

Mr. Cain offered the following resolution:

WHEREAS, it is well known that the citizens of Indiana are a law-abiding people, and are not disposed to complain of anything that is lawful, right and just, but it is a notorious fact that under the present existing law regulating the assessment and collection of taxes, that both real and personal property are sometimes doubly and trebly taxed; in order, therefore, to avoid such results,

Be it Resolved, That the committee of ways and means be instructed to inquire into the necessity of amending the 91st section of an act entitled "an act to provide for the valuation and appraisalment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property,

county treasurers and auditors, and of the Treasurer and Auditor of State. Which section reads as follows;

SEC. 91. The board of county commissioners, auditor, and assessors shall meet at the seat of justice of each county, on the first Monday of June, annually, and shall constitute a board of equalization, who shall have power to hear and determine the complaint of any owner of personal property, moneys, rights, credits, effects or stocks, or poll listed, respecting the same, and the valuation of any such property or taxables, made subsequent to the preceding first day of January, and shall correct any list or valuation as they may deem proper, and shall have power to equalize the valuation made by the assessors, either by adding or deducting from their valuation such sums as to them, or a majority of them, shall appear just and equitable; as to read: and that if any person who may be taxed with any real or personal property for which he is in arrear, the notes or obligation for such arrearages being held by any person or persons within the State of Indiana, the said board, upon proper proof of the facts, may deduct the amount of such indebtedness from the tax list of such applicant.

Which was adopted.

On motion by Mr. Shull,

Resolved, That the committee on benevolent and scientific institutions be instructed to inquire into the expediency of creating five commissioners who shall have charge of the three State Institutions, to-wit: the Institution of the Blind, of the Deaf and Dumb, and Hospital for the Insane; and abolish the law creating separate trustees and commissioners for each institution.

BILLS INTRODUCED.

Mr. Hester introduced

Bill No. 79. A bill to authorize guardians to mortgage real estate of their wards, to borrow money for their education and maintenance.

Which was read a first time and passed to a second reading.

Mr. Test introduced

Bill No. 80. A bill requiring written briefs to be filed in the Supreme Court.

Which was read a first time and passed to a second reading.

Mr. Trusler introduced

Bill No. 81. A bill to repeal the tenth section of an act entitled "an act to establish courts of conciliation, to prescribe rules and

proceedings therein, and compensation of judges thereof;" approved June 11, 1852.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 82. A bill to amend section four of an act entitled "an act touching official bonds and oaths, and supplemental thereto."

Which was read a first time and passed to a second reading.

Mr. Shanks introduced

Bill No. 83. A bill to amend an act entitled "an act providing for the appointment of notaries public and defining their powers and duties," approved June 9th, 1852.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 84. A bill to provide that evidence of her having previous carnal connection with other persons than the accused, and of particular acts and associations, indicating on the part of the prosecuting witness on a charge of rape, or on assault and battery with intent to commit a rape, a want of chastity may be introduced in defence of such charge.

Which was read a first time and passed to a second reading.

House Bills on Second Reading.

Bill No. 54. A bill to amend the 14th section of an act entitled "an act authorizing the construction of plank roads."

Was read a second time, and

On motion by Mr. Meredith,

Referred to the committee on corporations.

Bill. No. 55. A bill to authorize the county Auditor to convene the county board in cases of emergency.

Was read a second time and ordered to be engrossed.

Mr. Test moved to reconsider the vote ordering House bill No. 55 to be engrossed.

Which motion prevailed.

On motion by Mr. Test,

The bill was referred to the committee on the judiciary.

The following message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That a committee of five on the part of the Senate be appointed, to act with a similar committee on the part of the House, to inquire into the amendments necessary to the code of practice, and report by bill or otherwise.

And that Messrs. Witherow, Anthony, Harris, Suit and Vandevanter, were appointed said committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Buskirk,

The House concurred in the resolution of the Senate with the following amendment:

That the committee on the part of the House shall consist of ten members, viz:

Messrs. Test, Buskirk, Trusler, Hester, McConnell, Gordon, Hillyer, Smith of Perry, Shanks and Newcomb, were appointed said committee.

On motion by Mr. Hardin,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

House Bills on Second Reading.

Bill No. 57. A bill supplemental to an act regulating estrays and articles adrift.

Was read a second time and ordered to be engrossed.

Bill No. 58. A bill to amend an act regulating county Auditor's fees.

Was read a second time,

When,

On motion by Mr. Sidwell,

It was referred to the committee on fees and salaries.

Bill No. 59. A bill to authorize plank, McAdamized, or gravel road companies, to sell or transfer their corporate property and franchises, and to authorize the purchasers thereof to organize themselves into a corporation, and defining its powers.

Was read a second time,

When,

On motion by Mr. Sidwell,
It was referred to the committee on corporations.

Bill No. 60. A bill concerning conveyances and other writings,
and the sealing thereof.

Was read a second time,
When,

On motion by Mr. Martin,
It was referred to the committee on the judiciary.

Bill No. 61. A bill to authorize township assessors to correct
errors in assessments of real estate,

Was read a second time,
When,

On motion by Mr. Buskirk,
It was referred to the committee on ways and means.

Bill No. 62. A bill to authorize master commissioners to take
acknowledgments of deeds, &c.

Was read a second time,
When,

On motion by Mr. Bonner,
It was referred to the committee on the judiciary.

Bill No. 63. A bill to repeal the fifth section of an act therein
named.

Was read a second time,
When,

On motion by Mr. McClure,
It was referred to the committee on corporations.

Bill No. 64. A bill prescribing the manner of impanneling petit
jurors, the number thereof, and repealing certain acts therein
named.

Was read a second time,
When,

On motion by Mr. Hester,
It was referred to the committee on the organization of courts
of justice.

Bill No. 65. A bill to amend section 368 of an act entitled "an
act to revise, simplify, and abridge the rules, practice, pleadings,
and forms in civil cases in the courts of this State.

Was read a second time,
When,

On motion by Mr. Huffstetter,
It was referred to the joint committee on the revision of rules
of pleading, practice, &c.

Senate Bills on Second Reading.

No. 4. An act supplemental to an entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant;" approved May 29, 1852.

Was read a second time,

When,

On motion by Mr. Weir,

It was referred to the committee on swamp lands.

No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 9, 1852.

Which was read a second time and passed to a third reading.

No. 8. A bill for the relief of the borrowers of the common school fund, and of the purchasers of school lands belonging to the State of Indiana.

Was read a second time,

When,

On motion by Mr. Walpole,

It was referred to the committee on the trust funds.

No. 30. A bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 19, 1852.

Was read a second time,

When,

On motion by Mr. Hillyer,

It was referred to the committee on the organization of courts of justice.

No. 33. A bill to give to the circuit courts concurrent jurisdiction with the courts of common pleas in all cases of riot.

Was read a second time, and

On motion by Mr. Murray,

Referred to the committee on the judiciary.

Mr. Murray offered the following instructions: "That the judiciary committee inquire into the expediency of so amending the bill as to give to the circuit court jurisdiction of that class of misdemeanors now cognizable in the common pleas courts."

The question being put,

Messrs. Buskirk and Williamson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Buchanan, Carnahan,

Clark of Rush, Clark of Tippecanoe, Clark of Union, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Hall of Warren, Harryman, Hervey, Lewis, McConnell, McCord, Malick, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Shanks, Spotswood, Tanner, Thomas, Turner, Weir, Wilson, Wood, Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Brothwell, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gwinn, Hargrove, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Logan, Lowe, McClure, McFarland, McMurry, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Schoonover, Sims, Shryock. Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Test, Todd, Trusler, Usry, Walpole, Williamson—52.

So the instructions were not adopted.

The following message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

Bill No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty under orders of sale procured by their predecessors.

Bill No. 35. A bill creating the 12th judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

In which the concurrence of this House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

Bill No. 36. A bill to amend sections 29, 30, and 31, of an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to provide for the distribution of the school funds in 1855.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 31. A bill repealing an act therein named, and reinstating the former trustees of the town of Clarksville, in their powers, duties, and rights.

Also,

No. 43. A bill to confirm the title of certain swamp lands.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

Senate bill No. 3. A bill to amend section 78 of article 8 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State;" approved June 17, 1852, &c.

Also,

Senate bill No. 6. A bill for the protection of the Sabbath.

Also,

Senate bill No. 22. A bill to amend the 78th section of "an act defining misdemeanors, and prescribing punishment therefor." Approved June 14th, 1852.

Also,

Senate bill No. 28. A bill to regulate the fees of county auditors for transferring lands for taxation.

Also,

Senate bill No. 39. A bill to regulate the crossings of public highways and private roads, by railroads.

Also,

Senate bill No. 41. A bill providing for official notice of the time when the Statutes of this State are in force.

Also,

Senate bill No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof.

Also,

Senate bill No. 46. A bill in relation to plank, macadamized, tram, and gravel road companies.

Also,

Senate bill No. 56. A bill to authorize connecting railroad com-

panies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees and vendees to hold and enjoy the same, and acquire and perfect the title to the rights of way.

In which the concurrence of the House is respectfully requested.

Also, that the Senate have passed

House bill No. 2. A bill to amend an act, entitled "an act to incorporate the Indiana cotton mill." Approved Feb. 15th, 1848.

Message from the Senate by Mr. Turman their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

Bill No. 57. A bill directing the Auditor of State to surrender bonds of free banks, not paying specie when their bills are presented.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

Bill No. 13. A bill to amend section 3, of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties." Approved June 11th, 1852.

Bill No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

In which the concurrence of the House is respectfully requested.

Senate Bills on First Reading.

No 40. A bill providing for extending the terms of circuit courts by adjournment, when pending business shall be unfinished.

Was read a first time and passed to a second reading.

No. 17. A bill to authorize the successors of executors and administrators to make sales and conveyances of realty, under orders of sale procured by their predecessors;

Which was read a first time and passed to a second reading.

No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

Which was read a first time and passed to a second reading.

No. 13. A bill to amend section third of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties." Approved June 11th, 1852.

Which was read a first time and passed to a second reading.

No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

Which was read a first time and passed to a second reading.

No. 57. A bill directing the Auditor of State to surrender bonds of Free Banks not paying specie, when their bills are presented.

Was read a first time.

Mr. Meredith moved to suspend the rules.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Tippecanoe, Clark of Union, Cotton, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wood, Mr. Speaker—79.

So the rule was suspended, and the bill read a second time.

Mr. Humphreys offered the following amendment to the bill:

Amend by striking out all after the enacting clause, and insert as follows:

That from and after the passage of this act, the Auditor of State be and is hereby directed to deliver to any person or persons, who may present to him the notes of the suspended banks of this State, established under an act entitled "an act to authorize the business of general banking," approved May 28, 1852, the bonds in stocks

which may have been deposited by such bank in the Auditor's office, as security under said act, as hereinafter specified.

SEC. 2. The term suspended banks in the emendatory act shall include all those banks whose stocks the Auditor of State has up to the 25th day of January, 1855, delivered to any person or persons, presenting their notes in sums sufficient to cover the value of one or more of the bonds so deposited.

SEC. 3. In delivering such bonds, said Auditor shall, when more than one bond shall be delivered, deliver to the person or persons so presenting said notes, such bond in bonds that will bear the same proportion in value to the whole of the bonds of that bank remaining on file in the office, as the notes so delivered up to be canceled bear to the whole of the notes of such bank remaining in circulation, as near as may be.

SEC. 4. The Auditor of State is hereby directed to forward to the Agent of this State all the Indiana 5 per cent. bonds amounting to more than one hundred thousand dollars, belonging to any of said banks, and said Agent is hereby directed to issue in lieu thereof bonds for one hundred thousand dollars, and any fractional part left less than one hundred thousand dollars, of the same date with the original, which, as to interest accrued, and in all other respects, shall be as binding upon this State as the said original was; which bonds, when duly issued, shall be returned by the Agent of State to said Auditor.

SEC. 5. In case of the neglect or refusal of the said Auditor, or Agent, to perform all or any of the duties required by this act, such Auditor or Agent may be proceeded against by injunction, as in other cases of public officers neglecting or refusing to comply with duties enjoined by law, and shall be liable to an action in which the measure of damages shall be the loss caused to the holder of such notes by such neglect or refusal.

SEC. 6. Section — of said act, entitled an act to authorize and regulate the business of general banking, is repealed, so far as it conflicts with the provisions of this act.

SEC. 7. The Auditor of State, before he shall enter on the duties required by said original act and by this act, shall give bond in the penalty of one hundred thousand dollars, with full and sufficient securities, as shall be approved of by the Governor, conditioned for the faithful performance of all the duties required by this act and the said original act.

On motion by Mr. Humphreys,

The bill and pending amendment were referred to the committee on the judiciary.

No. 36. A bill to amend sections 29, 30, and 31, of an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, and to provide for the distribution of the school funds in 1855,

Was read a first time and passed to a second reading.

No. 31. A bill to amend section 78, of article 8, of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852,

Was read a first time and passed to a second reading.

No. 39. A bill to regulate the crossing of public highways and private roads, by railroads,

Was read a first time and passed to a second reading.

No. 41. A bill providing for the official notice of the time when the statutes of this State are in force,

Was read a first time and passed to a second reading.

No. 46. A bill in relation to plank, macadamized, tram, and gravel road companies,

Was read a first time and passed to a second reading.

No. 42. A bill to enable parties to convey lands, tenements, and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof.

Was read a first time and passed to a second reading.

No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees and vendees to hold and enjoy the same, and acquire and perfect the title to the right of way,

Was read a first time and passed to a second reading.

No. 43. A bill to confirm the title of certain swamp lands,

Was read a first time and passed to a second reading.

No. 31. A bill repealing an act therein named, and re-instating the former trustees of the town of Clarksville in their powers, duties and rights,

Was read a first time and passed to a second reading.

No. 6. A bill for the protection of the Sabbath,

Was read a first time and passed to a second reading.

No. 22. A bill to amend the 78th section of "an act defining misdemeanors, and prescribing punishment therefor;" approved June 14, 1852,

Was read a first time and passed to a second reading.

No. 28. A bill to regulate the fees of county auditors for transferring lands for taxation,

Was read a first time and passed to a second reading.

Mr. Beach moved to add Mr. Spotswood to the committee on benevolent and scientific institutions,

Which motion prevailed.

On motion by Mr. Bonner,

Mr. McCord was added to the committee on the State prison.

On motion by Mr. Humphreys,

Mr. McConnell was added to the committee on the State prison.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
January 24th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

The following message was received from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following resolution:

Resolved, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House, whose duty it shall be immediately to inquire into and report to the legislature, the present condition of the office of the Auditor of State, and particularly as to the state of the free banks, their issues, securities, and any other matters therewith connected, that will have a tendency to quiet public anxiety upon this subject.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Hudson,
The House concurred in the resolution of the Senate.

Ordered, That the clerk inform the Senate thereof.

The Speaker appointed Messrs. Hudson, Clark of Rush, and Wilson, said committee, on the part of the House.

Mr. Beach asked leave of absence for the committee on scientific and benevolent institutions during this afternoon,
Which was granted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Hardin,
A memorial from Charles Wade, of Evansville.

On motion by Mr. Hardin,
Was referred to the committee on claims without reading
By Mr. Meredith,

A petition from sundry citizens of Wayne county on the subject of the Cambridge, Hagerstown and Winchester turnpike company.

On motion by Mr. Meredith,
It was referred to the committee on corporations.

By Mr. McFarland,
A claim from Eden H. Davis, of Shelby county.

On motion by Mr. Murray,
The claim was referred to the committee on claims.

By Mr. McFarland,
A petition from sundry citizens of Shelby county, on the subject of improvement of the breed of horses.

On motion by Mr. McFarland,
The petition was referred to the committee on agriculture.

Mr. Buskirk gave notice, that on to-morrow he would move to amend the standing rules of the House, by adding the following standing rule:

RULE No. —. When a rule or joint resolution shall be put on its passage, and shall receive a majority of the votes cast, but not the number of votes required by the constitution, the same shall not be considered lost, but when bills or joint resolutions upon their third reading shall be in order, any member who voted with the majority, or who did not vote at all, may call the same up, and the House shall take another vote thereon, and any number of votes may be taken in such cases by the House.

The Speaker laid before the House the following report from the commissioners of the State debt sinking fund:

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR: You will please lay before the House of Representatives,

the enclosed report of the State debt sinking fund commissioners.

We have the honor to be your obedient servants,

JOHN P. DUNN, Aud.

E. NEWLAND, Treas.

State debt sinking fund Comrs.

Which,

On motion by Mr. Buskirk,

Was referred to the committee on trust funds.

Mr. Clark of Tippecanoe presented a petition from the farmers of the county of Tippecanoe, praying the passage of a law compelling railroad companies to keep the cattle guards in order in the crossings of the fences upon the roads.

Which was,

On motion by Mr. Clark,

Referred to the committee on the rights and privileges of the inhabitants of the State.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 71, concerning the service of summonses for witnesses by copy, have had the same under consideration, and have directed me to report the same back with the accompanying amendment, after the adoption of which they recommend the passage of the bill.

Add at the end of section 3, the following:

"And the Secretary of State shall, immediately after the passage of this act, forward a certified copy thereof to each of the clerks of the several circuit courts in this State."

The question being on the adoption of the amendment,

It was adopted.

The bill was then ordered to be engrossed.

The following report was received from the committee on engrossed bills, by Mr. Martin:

MR. SPEAKER:

The committee on engrossed bills, have examined House bills Nos. 40, 50, 55, and 57, and compared the same with the engrossed copies thereof, and find that the same have been correctly engrossed.

Mr. Tackett, chairman of the committee on agriculture made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a resolution of the House requesting said committee to inquire into the expediency of locating the State Fair for a term of years at or near the capital of the State, and of making an appropriation out of the treasury for the improvement of the military grounds, have had these subjects under consideration, and beg leave to recommend that the use of the military grounds at the Capital be granted to the State Board of Agriculture, for the purpose of holding State Fairs; and, for the encouragement of said board of agriculture and its auxiliary county societies, and for the protection of the grounds, the committee further recommend an appropriation of ——— dollars, to aid in the erection of a strong and permanent fence around the said military grounds.

In order to carry these objects into effect, the committee beg leave to introduce the following bill :

No. 55. A bill to provide for enclosing and protecting the military grounds belonging to the State, at the Capital.

Which was read a first time and passed to a second reading.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, who were instructed by a resolution of the House to inquire into the expediency of so amending the act providing for the incorporation of railroads, so as to limit the amount that such roads may charge for the carriage of passengers, to a certain rate per mile, and also to require such roads, in making out their bills for the carriage of goods or other freight, where there are advanced charges, to specify the items of which they are composed, and report by bill or otherwise," have had the same under consideration, and directed me to report that, in their opinion, it is inexpedient to legislate upon the subject, and the committee ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred a resolution of the House instructing them to "inquire into the expediency of repealing the 5th section of an act of 1853, entitled 'an act to

authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," have had the same under consideration, and instructed me to report the following bill and recommend its passage.

No. 86. A bill to repeal section 5, of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed;" approved Feb. 23, 1853.

The report was concurred in,

When,

The bill was read a first time and passed to a second reading.

Mr. Monks, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the accompanying enrolled bill of the House, No. 2, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Mr. McFarland, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 48, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and recommend its passage as amended :

Insert after the word "may," in the first line of section 7, the words "at its discretion," and add to the bill the following :

SEC. 8. The clerk or secretary of every such corporation, shall keep a fair record of the proceedings thereof, in a book provided for that purpose ; and such records or copies duly attested by such clerk or secretary, may be read in evidence, when the interests of such corporations are concerned.

Which report, with the amendment, was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry, from the committee on fees and salaries, made the following report :

MR. SPEAKER:

The committee on fees and salaries, to whom was referred a resolution inquiring into the expediency of re-enacting the act of 1853, regulating the fees of officers, have had the same under consideration, and have directed me to report the following bill for the consideration of the House.

The report was concurred in, and the bill read a first time.

House bill No. 87. A bill regulating fees of officers, and repealing former laws in relation thereto.

Mr. Mellett, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred joint resolution No. 2, in relation to slavery, have had the same under consideration, and a majority of said committee direct me to report said resolution back to the House, together with the following joint resolutions, as an amendment, and respectfully recommend their adoption.

WHEREAS, It is the opinion of the General Assembly, that while Congress has no authority to interfere with the domestic policy of the several States, it has undoubted power to legislate for all our territories while they remain such, upon the question of slavery, to prohibit its existence therein.

AND WHEREAS, The repeal of the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, one thousand eight hundred and twenty, was unjust, unwise, and uncalled for, calculated to open up the question of slavery, disturb the harmony of the Union, destroy the confidence of the North in all compacts or compromises with the South, enlarge the area of slavery, and maintain and strengthen an institution, the existence of which has been deplored by the wise men of our nation, without reference to party or locality, as an evil.

AND WHEREAS, The institution of slavery ought not to be introduced, or permitted in any territory from which it has been excluded, therefore,

Be it Resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress requested, to vote and use their influence to procure the amendment of "an act to organize the territories of Nebraska and Kansas," approved May 30th, 1854; so that slavery and involuntary servitude, otherwise than in the punishment of crime, whereof he party shall have been duly convicted, shall be forever prohibited therein.

Be it further Resolved, That if, before such an amendment can be procured, either of those territories or any part thereof, should

apply for admission into this Union, with a constitution tolerating human slavery, then our Senators are instructed, and our Representatives requested, to resist by their votes and influence the admission of such State, until she shall so amend her constitution as to forever prohibit slavery or involuntary servitude therein, otherwise than for the punishment of crime.

Be it further Resolved, That our Senators are instructed, and our Representatives in Congress requested, to advocate the return of this government to its original policy, by using their votes and influence to secure the application of the Jeffersonian ordinance of 1787 to all the territories now possessed by the United States, or which may be hereafter acquired.

And it is further Resolved, That the Governor be, and he is hereby requested, to forward a copy of the above resolutions to each of our Senators and Representatives in Congress.

Mr. Newcomb moved to make the resolution the order of the day for Friday next at 2 o'clock, P. M.

Mr. Cotton moved to lay the resolution and amendment upon the table, and print 200 copies of the amendment,

Which motion prevailed.

Mr. Buskirk moved to take from the table the following resolution:

Resolved, That the committee on ways and means be instructed to report a bill to abolish the office of township assessor, and to provide for county assessors.

Which motion prevailed.

The question then being on the adoption of the resolution,

Messrs. Merrifield and Smith of Lagrange, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dunn, Earl, Ellis, Essex, Fouts, Hadsell, Hardin, Hargrove, Hervey, Hillyer, Hume, Jeter, King of Johnson, Landers, Lewis, Lowe, McConnell, McCord, McFarland, McMurry, Malick, Martin, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sidwell, Sims, Shryock, Smith of Perry, Tackett, Test, Todd, Trusler, Wilson, Wheeler, Wood Mr. Speaker—57

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Cain, Clark of Steuben, Crozier, Dickerson, Gilham, Gordon, Gwinn, Hall of Warren, Harryman,

Hester, Humphreys, Hunt, Lemmon, Logan, McClure, Mellett, Merrifield, Peden, Sanford, Schoonover, Shanks, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tanner, Thomas, Usry, and Williamson—34.

So the resolution was adopted.

On motion by Mr. Murray,

The House adjourned till 2 o'clock.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

RESOLUTIONS INTRODUCED.

Mr. Hester introduced the following resolution:

Resolved, That Friday of each week be set apart for the introduction of resolutions of this House, and that it shall not be in order to introduce resolutions, other than joint resolutions, upon any other day, without the consent of two-thirds of the members present.

Which was adopted.

On motion by Mr. Sanford,

The vote adopting the resolution was reconsidered.

Mr. Hester then moved to lay the resolution upon the table.

Which motion prevailed.

Mr. Gifford offered the following resolution:

Resolved, That the judiciary committee are hereby instructed to inquire into the expediency of providing a law for the redemption of any counterfeit bill or money, where the same has been passed without any felonious intent, upon the affidavit of the party upon whom such counterfeit money has been passed, under such restrictions as may be just and right.

Which was not adopted.

On motion by Mr. Gwinn,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of enacting a general law providing for the removal and re-location of county seats, and report by bill or otherwise.

On motion by Mr. McClure,

Resolved, That the committee on corporations inquire into the expediency of amending an act approved February 19th, 1853, entitled "an act to amend an act entitled an act authorizing the construction of plank, macadamized, and gravel roads," approved May 12, 1852, so as to conform with the Constitution, as is required in a recent decision of the Supreme Court.

The Speaker laid before the House the following communication from the Superintendent of the Institution for the education of the Deaf and Dumb:

INSTITUTION FOR THE DEAF AND DUMB, }
Indianapolis, January 23, 1855. }

Honorable Speaker of the House of Representatives:

SIR:—Through you, I beg leave, respectfully, to inform the members of the House of Representatives, that their resolution of January 11th, inviting me to give an exhibition, before the Legislature, of the pupils under my charge, has been received, and that I shall be most happy to avail myself of the privilege.

Having consulted the committees of the two Houses on benevolent institutions, it has been determined to give the exhibition at the Masonic Hall in this city, on the evening of the 15th of February next, to commence at 6 o'clock.

At that time, therefore, I respectfully invite the members of the House of Representatives to attend, and witness such illustrations of the improvement of the pupils, and of the unique system of instruction pursued, as I may be able on that occasion to present.

Very respectfully,

THOS. MAC INTIRE,

Superintendent.

Mr. Davis offered the following preamble and resolutions:

WHEREAS, The act of June 14, 1852, for the better organization of the militia of the State of Indiana is inoperative, and not having the necessary penalties affixed to authorize the assessment of fines so as to compel those liable to discharge military duties, &c., therefore,

Be it Resolved, That the committee on military affairs be instructed to examine into the propriety of so amending said act as to make it operative, with such amendments as may carry out the true meaning of the constitution, with leave to report by bill or otherwise.

Which resolution was not adopted.

On motion by Mr. Walpole,

Resolved, That the judiciary committee be instructed to inquire into the expediency of declaring by law that any person or corporations, without authority, who may issue any promissory note or certificate in the similitude or appearance of a bank note, for the purpose of putting the same in circulation, as a currency, shall, upon conviction, be deemed guilty of a felony, and punished accordingly.

Mr. Hester moved to take from the table the following resolution:

Resolved, That Friday of each week be set apart for the introduction of resolutions of this House, and it shall not be in order to introduce resolutions, other than joint resolutions, upon any other day without the consent of two-thirds of the members present.

Which motion prevailed.

The question then being upon the adoption of the resolution, It was adopted.

Mr. Newcomb moved to take from the table the following resolution:

Which motion prevailed.

Resolved, That in the opinion of this House, the number of Senators and Representatives could be reduced without detriment to the public service, and the committee on apportionment is hereby instructed to provide in the bill to be reported by them, apportioning the number of Senators and Representatives among the several counties of this State, for thirty Senators and seventy Representatives, and no more, and that they provide in said bill that the pay of members of the Legislature be raised to \$4 00 per day.

Mr. Sidwell moved to amend, by striking out the words "thirty Senators and seventy Representatives," and inserting these words, "twenty-four Senators and one hundred Representatives."

Which was not adopted.

Mr. Test moved to amend as follows: That the number of Senators and Representatives can be reduced without detriment to the public service, and that the committee on apportionment of the Senate and House of Representatives be instructed to provide in the bill reported, apportioning the number of Senators and Representatives among the several counties of this State, for thirty Senators and seventy Representatives, and no more, and that they provide that the pay of members of the Legislature be raised to four dollars a day, and that the Senate be informed of the adoption of this resolution, and their concurrence requested.

Mr. Usry moved to amend the amendment by striking out the words "four dollars," and inserting the words, "three dollars"

The question being on the adoption of the amendment to the amendment,

Messrs. Usry and Hester demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Brothwell, Burnett, Buskirk, Clark of Steuben, Cotton, Crozier, Davis, Dickerson, Dunn, Essex Fouts, Gifford, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, McMurry, Malick, Miller, Monks, Montgomery, Peckenpaugh, Schoonover, Sidwell, Smith of Perry, Studabaker, Tackett, Tanner, Turner, Usry, Williamson, Wood—51.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazelton, Buchanan, Cain, Carnahan, Clark of Rush, Clark of Tippecanoe, Coen, Gilham, Hudson, King of Johnson, McCord, Mellett, Meredith, Merrifield, Murray, Newcomb, Peden, Sanford, Shryock, Smith of Lagrange, Stanton, Test, Todd, Trusler, Walpole, Wilson, Mr. Speaker—29.

So the amendment was adopted.

On motion by Mr. Meredith,

The resolution and pending amendment were laid upon the table.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate refuse to concur in the amendment of the House to the following resolution of the Senate:

Resolved, That a committee of five on the part of the Senate be appointed to act with a similar committee on the part of the House, to inquire into the amendments necessary to the code of practice, and report by bill or otherwise.

And that Messrs. Witherow, Anthony, Harris, Suit, and Vandevanter were appointed said committee on the part of the Senate, with the following amendment of the House: That the committee on the part of the House shall consist of ten members—Messrs. Test, Buskirk, Trusler, Hester, McConnell, Gordon, Hillyer, Smith of Perry, Shanks, and Newcomb.

Mr. Hudson moved that the House recede from the amendment to the resolution of the Senate.

Which motion prevailed.

Mr. Hudson then moved to reciprocate the resolution of the Senate.

Which was agreed to.

15—H. J.

Messrs. Test, Buskirk, Trusler, Hester, and McConnell were appointed said committee.

Ordered, That the clerk inform the Senate thereof.

BILLS INTRODUCED.

Mr. McFarland introduced

Bill No. 88. A bill to amend chapter 101, sec. 14, as within entitled and set forth.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 89. A bill authorizing attachments in certain cases therein named when the debt is not due.

Which was read a first time and passed to a second reading.

Mr. Sanford introduced

Bill No. 90. A bill to amend sections 647 and 649, of article 36, of an act, entitled an act to revise, simplify and abridge the rules, pleadings, and practice, &c., in the courts of this State.

Which was read a first time and passed to a second reading.

Mr. Dunn introduced

Bill No. 91. A bill to authorize suits against the State.

Which was read a first time and passed to a second reading.

Mr. Gordon moved a call of the House.

The clerk proceeded to the call, when the following members answered to their names.

Messrs. Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Essex, Fouts, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hudson, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McMurry, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Sanford, Schoonover, Sidwell, Shryock, Smith of Perry, Stanton, Studabaker, Tanner, Test, Todd, Trusler, Usry, Williamson, Wilson, Wood and Mr. Speaker—61.

On motion by Mr. Meredith,

Mr. Sims was excused until Monday next on account of sickness in his family.

On motion by Mr. Shryock,
The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 25th, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hardin,
A petition from Christopher Stasers.

On motion by Mr. Hardin,
The petition was referred to the committee on claims.

By Mr. Test,
From Joseph Knefler, praying for an allowance for services rendered the State by indexing the 2d volume of the Revised Statutes of 1852, in the German language;

Which,

On motion by Mr. Test,
Was referred to the committee on claims.

By Mr. Monks,
From sundry citizens of Randolph county, on the subject of temperance.

On motion by Mr. Monks,
The petition was referred to the committee on temperance.

By Mr. Murray,
A claim of David Demaree;

Which,

On motion by Mr. Murray,
Was referred to the committee on claims.

By Mr. Trusler,
A petition from sundry citizens of Fayette county, on the subject of ten per cent. interest;

Which,

On motion by Mr. Trusler,
Was referred to the committee on the judiciary.

REPORTS FROM COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred so much of the Governor's message as relates to the propriety of providing by law for the relief of the owners of any State bonds which may have been lost or casually destroyed, have had the subject under consideration, and directed me to report the following bill for the consideration of the House.

Bill No. 92. A bill to provide for the issuing of certificates of the loss or casual destruction of outstanding State bonds, and of duplicates in cases of loss or destruction of State certificates of stock.

Which was read a first time and passed to a second reading.

Mr. Hester, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 56, "fixing and extending the terms of the Marshall circuit court," with instructions to inquire what is necessary to be set forth in an act to constitute a sufficient emergency to put it in force sooner than the usual course of publication, have had the subject under consideration, and a majority thereof have directed me to report as follows:

The majority of the committee are of the opinion that the language of the Constitution requiring, in such cases, the emergency to be "declared," in the preamble or body of the act, means not that the existence of, but that sufficient facts constituting such emergency, be stated in such preamble or act to enable the legislature and courts so to determine.

Strike out the last section and substitute the following:

SEC. 3. As this act contemplates the holding of a term of said court in the month of February, before the publication of the acts of this General Assembly, it is declared that an emergency exists for the immediate taking effect hereof, and that the same shall be in force from and after its passage, and that the Secretary of State be required to immediately forward an authenticated copy of this act to the clerk of said court.

This practice is safest and involves no doubts. The committee, therefore, have instructed me to report the bill back with the accompanying amendment, after the adoption of which, they recommend its passage.

The report was concurred in, and the amendment adopted.

Mr. Hester offered the following amendment to the bill:

"SEC. 3. All process returnable to said court, at the terms heretofore fixed by law for holding the same, shall be returnable under the rules of practice in such cases, so as to conform to the changes herein made."

Which amendment was adopted, and the bill as amended, ordered to be engrossed.

Mr. Murray moved to consider the bill as engrossed, that the rules be suspended so that the bill might be read a third time.

The question being put,

Those who voted in the affirmative w re,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wood and Mr. Speaker—88.

So the rules were suspended, and the bill read a third time.

And the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, Mr. Speaker—89.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hester moved to amend the title by adding the words "and providing for the return of process therein."

Which amendment was adopted.

The title, as amended, was then adopted.

Mr. Hargrove, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred resolution of the House instructing them to inquire into the expediency of providing by law for the removal or felling of all girdled or deadened timber standing within fifty feet of any public road or highway, when such timber has been girdled or deadened for more than two years, and that persons owning lands through or along which such road or highway may pass, be hereafter prohibited from permitting timber which they shall cause to be so girdled or deadened within the aforesaid distance of such road or highway, to stand more than two years after being so girdled or deadened, have had the subject under consideration, and have directed me to report that in the opinion of your committee it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Hargrove, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred resolution of the House instructing them to inquire into the expediency of so amending "an act to provide for the opening, vacating and changing of highways," approved June 17th, 1852, so that all county and township roads hereafter located, shall be located on section lines, or as near said section lines as practicable, have had the same under consideration, and have directed me to report, that in their opinion, it is inexpedient to legislate upon the subject at this time, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Hudson, chairman of the committee on banks, made the following report:

MR. SPEAKER:

The committee on banks, to whom was referred the subject of free banks, have requested me to report the following bill:

No. 93. A bill to amend an act, entitled "an act to authorize and regulate the business of general banking."

Mr. Buskirk moved to suspend the rules and read the bill a first time by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, Hunt, Jeter, King of Johnson, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Martin, Meredith, Merrifield, Monks, Montgomery, Murray, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Tanner, Thomas, Todd, Turner, Usry, Weir, Williamson, Wilson, Wood and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Burnett, Dickerson, Huffstetter, Logan, Malick, Miller, Shanks, Studabaker, Sturgis, Trusler and Walpole—11.

So the rules were suspended.

Mr. Hudson moved to suspend the rules and have the bill read a second time by its title.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hardin, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Hunt, Lowe, McConnell, McCord, McClure, McMurry, Martin, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Tackett, Thomas, Turner, Usry, Weir, Wood and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Alden, Branham, Brazelton, Brothwell, Burnett, Dickerson, Earl, Gordon, Hargrove, Huffstetter, Humphreys, Jeter, King of Johnson, Landers, Lemmon, Lewis, Logan, McFarland,

Miller, Schoonover, Shanks, Studabaker, Sturgis, Tanner, Test, Todd, Trusler, Walpole, Williamson and Wilson—30.

So the rule was suspended.

Mr. Hervey moved to reconsider the vote on the motion of Mr. Hudson, to suspend the rules and read the bill a second time by its title.

Which motion prevailed.

Mr. Humphreys moved to reconsider the vote on the motion of Mr. Buskirk, to suspend the rules and read the bill a first time by its title.

Which motion prevailed.

The question then being on a suspension of the rules, that the bill be read a first time by its title,

Mr. Buskirk withdrew said motion to suspend the rules.

The bill was then read a first time and passed to a second reading.

Mr. Brothwell, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred a resolution of the House, instructing them to inquire into the expediency of amending the 41st section of the law regulating the sale of swamp lands, have had the same under consideration, and have directed me to report a bill and earnestly recommend its passage.

No. 94. An act to amend the 41st section of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant;" approved May 29, 1853.

Which was read a first time and passed to a second reading.

Mr. Thomas, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The swamp land committee, to whom was referred Senate bill No. 4, have examined the provisions of said bill, and have directed me to report the same back to the House, and recommend its passage.

The report was concurred in.

Senate bill No. 4. An act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United

States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Passed to a third reading.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the accompanying enrolled bill of the House No. 24, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

JOINT RESOLUTIONS INTRODUCED.

Mr. Hardin introduced

Joint resolution No. 4. A joint resolution upon the subject of lands, and increase of pensions for military services.

Which was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Buskirk introduced

Bill No. 95. A bill to provide for the greater security of the funds of the State in the hands of the Agent of State.

Which was read a first time and passed to a second reading.

Mr. Hardin introduced

Bill No. 96. An act to prohibit judges of the courts of common pleas from practising law, and to prohibit judges of such courts from forming or maintaining a partnership in the practice of the same, and to repeal the fortieth section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof," approved May 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Buskirk introduced

Bill No. 97. A bill to provide for the listing of the stock and other property of railroad companies, and for the collection of taxes thereon.

Which was read a first time and passed to a second reading.

Mr. Hillyer introduced

Bill No. 98. A bill to amend section 21, of an act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1852.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 99. A bill to repeal section 59, Revised Statutes 1852, vol. 1st, concerning the empannelling of petit jurors in the courts of common pleas, and to provide the manner of selecting such jurors in such cases.

Which was read a first time and passed to a second reading.

Mr. Martin introduced

Bill No. 100. A bill to amend section 540, of chapter 1, of the statutes of 1852.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 101. A bill to amend section 21, of article 4, of the constitution of the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Sanford introduced

Bill No. 102. A bill to amend section 17, and part of 18, of an act incorporating the Lagro, Marion and Jonesboro plank road company.

Which was read a first time and passed to a second reading.

Mr. Martin introduced

Bill No. 103. A bill authorizing executors and administrators to make deeds in certain cases.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following report of the Secretary of the State Board of Colonization:

HON. DAVID KILGORE,

Speaker of the House of Representatives:

The undersigned, Secretary of the State Board of Colonization, has the honor to present to the Legislature the following report as

to the condition of the colonization fund, and the proceedings of the State Board :

The sum of \$5,000 per year was appropriated for colonization purposes for the years 1852, 1853, and 1854, making \$15,000 for the whole period. In 1853, the Board appointed the American Colonization Society its agent for the payment of emigrants, and placed in its possession the sum of three thousand dollars. According to the account rendered by that society, two thousand, six hundred and ninety-seven dollars, and eighty-five cents of this sum has been expended in the service of the Board, leaving three hundred and two dollars and fifteen cents standing to the credit of the Board. There has been paid the Rev. James Mitchell, for services as secretary of the Board, to August 1, 1854, eight hundred and thirteen dollars, twelve and a half cents; and from that time to the commencement of this year, there has been paid to the present secretary two hundred and fifty dollars, for the services of himself and Mr. John McKay, a colored sub-agent in his employ. One hundred and twenty dollars, seventeen cents, paid at different times for printing reports of the Board, has been charged to this fund instead of being placed in the general bill of the State for printing. The late secretary borrowed from the fund on his own personal responsibility, with the written consent of the members of the board, the sum of two hundred and twenty-five dollars, to aid in defraying the expenses of Mr. John McKay to Liberia, on a mission in behalf of the Board; one hundred and twenty-one dollars and fifty cents of this sum has been refunded from collections made by Mr. McKay since his return, and the remainder stands charged still as an expenditure of the Board. Twenty dollars were paid in 1853, to two emigrants to Liberia. The whole amount thus far expended is four thousand and four dollars and sixty-four cents; leaving in the treasury, of the appropriations thus far made, ten thousand, nine hundred and ninety-six dollars, thirty-six cents.

The Board deeming it important to send an agent to Liberia to further the wishes of the Legislature in procuring a tract of land for the emigrants from this State, and also anxious to secure an agent to labor among the people of color who had visited Liberia, in November, 1853, commissioned Mr. John McKay, a man of color, and a minister of the Methodist Episcopal church, who had satisfactory testimonials as to good character and qualifications, to proceed to Liberia with the first expedition of immigrants from this State. After spending some time there in making investigations as to the condition of the colony, he returned to the United States in May last. The Board ordered five thousand copies of his report to be printed for general circulation. A large quantity of these, yet undisposed of, are ready for such disposal as the members of the Legislature may think best to make of them, and should your honorable body consider it desirable to have Mr. McKay publicly examined as to the condition and prospects of Liberia, he shall be brought before you for that purpose.

From the 30th of May till the first of August last, Mr. McKay was engaged in visiting different parts of the State for the purpose of diffusing the information he had acquired in a personal manner, and assisting emigrants to go to Liberia. His salary and expenses for this time were paid out of collections which he made from the friends of the cause. When the undersigned was appointed secretary, it was suggested to him by the Board, that it was very desirable to secure the services of Mr. McKay as a traveling agent for some time to come, and he has accordingly made an arrangement for that purpose. Two-thirds of the salary of the undersigned is devoted to his support; and any deficiency above that sum, together with his traveling expenses, will be paid out of collections which he may make. The colored people can be reached far more successfully by one of themselves, who has seen what he describes, than by any other person; and this arrangement promises much for the progress of the cause. Mr. McKay will be employed for the most part in visiting different colored settlements, and his past success affords much encouragement for the future. It is hoped he will have fifty emigrants ready by next fall.

In November last, fourteen emigrants from this State embarked at Baltimore for Liberia. An aged woman with two married sons and their families, and two unmarried daughters, went from Greencastle; and a man with his wife and two children went from Montezuma.

The general interests of the colonization cause are as flourishing as the pressure of the times will admit. Africa, as the home of the free colored man, where he may move in the true dignity of his nature, is becoming every year increasingly inviting. About six hundred emigrants have gone out from this country the past year, and the number may be largely increased with a sufficiency of funds. The State of Indiana has been the first to engage, through the executive department of her government, in the direct prosecution of this work; and it is much to be desired that her future legislation may be so wise and liberal as to maintain her present high position.

Respectfully submitted,

THORNTON A. MILLS,

Secretary of State Board of Colonization.

INDIANAPOLIS, Jan. 24th, 1855.

On motion by Mr. Smith of Perry,

The report was laid upon the table, and ordered that three hundred copies be printed for the use of the members of the House.

On motion by Mr. Humphreys,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

BILLS INTRODUCED.

Mr. Hester introduced

Bill No. 104. A bill to amend the title of an act, entitled "an act concerning license to vend foreign merchandise, to exhibit caravan, circus, rope and wire dancing, puppet shows and legerdemain," so as to mention therein, the business of stock and exchange brokers, in buying and selling stocks, bank notes, gold, silver, promisory notes and bills of exchange.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 105. A bill to amend section 22d of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852.

Which was read a first time and passed to a second reading.

Mr. Bonner introduced

Bill No. 106. A bill to repeal an act, entitled "an act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 107. A bill in relation to the duties of prosecuting attorneys, and allowing docket fees in criminal cases in the supreme court.

Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 108. A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court.

Which was read a first time and passed to a second reading.

Mr. Gifford asked leave of absence for Mr. Peyton, on account of sickness,

Which was granted.

The Speaker laid before the House a communication from the clerk of the Clark circuit court, in reply to a letter addressed to him by order of the House, as to the number, age and condition of juvenile offenders in said county.

Which,

On motion by Mr. Beach,

Was referred to the committee on scientific and benevolent institutions, together with all communications of a like nature.

House Bills on Third Reading.

No. 22. An act to amend the seventy-sixth section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Thomas, Todd, Turner, Usry, Weir, Williamson, Wilson, Wood, Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Hervey, King of Johnson, Lowe, McClure, Martin, Murray, Shanks, Studabaker, Sturgis, Tanner, Test, Trusler, Walpole, Wheeler—14.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 23. An act to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Steu-

ben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, Mr. Speaker—87.

Mr. Buskirk voted in the negative.

So the bill passed.

Mr. Smith of Perry moved to insert in the title of the bill the number of sections as amended.

Which motion prevailed.

The title, as amended, was adopted.

Ordered, That the Clerk inform the Senate thereof.

No. 26. A bill to provide a more general and equitable mode of publishing legal notices.

Was read a third time.

Mr. Hester moved to refer the bill to a select committee, with instructions to provide for publication of notice in cases of attachment.

Which motion prevailed.

The Speaker appointed Messrs. Hester, McConnell, and Walpole the committee.

No. 43. A bill to provide for the restoration and preservation of the records of the Supreme Court.

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, McFarland, Malick, Meredith, Miller, Murray, Montgomery, Newcomb, Peckenpaugh, Sanford, Schoonover, Shanks,

Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wheeler, Wood, Mr. Speaker—88.

No member voted in the negative.
So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 45. A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts in case of vacancy by death, resignation or otherwise,

Was read a third time, and the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwin, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Jeter, King of Madison, Lemmon, Lewis, McConnell, McCord, McClure, McFarland, McMurry, Mallick, Meredith, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Williamson, Wilson, Wood and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Hester, Humphreys, King of Johnson, Landers, Logan, Lowe, Martin, Tanner, Usry, Weir, Walpole and Wheeler—12.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges or universities to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name,

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper,

Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wheeler, Wood and Mr. Speaker—87.

Mr. Landers voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 49. A bill to regulate the time of holding courts of common pleas in Randolph and Jay counties, and to fix the time of holding said courts,

Was read a third time,

When,

•On motion by Shanks,

The bill was laid upon the table.

No. 50. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.

Mr. Merrifield moved to lay the bill on the table,

Which motion did not prevail.

On motion by Mr. Buskirk,

The House adjourned till to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
JANUARY 26, 1855. }

House met pursuant to adjournment.

The journal of yesterday was read and adopted.

The following message was received from his excellency the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill:

No. 2. An act to amend an act entitled "an act to incorporate the Indiana Cotton Mills;" approved February 15th, 1848.

Which bill originated in the House of Representatives.

The Speaker laid before the House the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT, IND., }
Indianapolis, January 26, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

DEAR SIR:—You will please to lay before the House of Representatives the enclosed petition of the ladies of Cambridge City to the liquor sellers and distillers of that vicinity, which I commend to the consideration of the General Assembly.

JOSEPH A. WRIGHT.

On motion by Mr. Shryock,

The petition was referred to the committee on temperance.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, INDIANA, }
Indianapolis, January 26, 1855. }

TO HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—You will please lay before the House of Representatives the enclosed joint resolution of the General Assembly of Iowa.

JOSEPH A. WRIGHT.

A joint resolution asking aid of Congress to improve the Rock Island and Des Moines rapids of the Mississippi.

WHEREAS, The people of Iowa, of Upper Illinois, of Wisconsin, and of Minnesota Territory, yearly suffer numerous losses in property, and are put to great costs and charges in their course of travel and commerce, by and in consequence of the obstructions in the Mississippi river known as the Rock Island and Des Moines Rapids;

AND WHEREAS, the work done on these rapids for the improvement of navigation through and over the same, during the present year has demonstrated the feasibility and ease with which a channel may be cut through said rapids, of equal depth of the river in other points,

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their influence with energy to procure from Congress an immediate appropriation for the continuation of the work on said rapids, and the improvement of the channel through and over the same.

Resolved, That the Governor of this State be requested to forward copies of this joint resolution to our Senators and Representatives in Congress, and to the Senators and Representatives of the several States and Territories included within the valley of the Mississippi, and ask their assistance in procuring the appropriation herein prayed for.

REUBEN NOBLE,

Speaker of the House of Representatives.

MATURIN L. FISHER,

President of the Senate.

Approved January 11, 1855.

JAMES W. GRIMES.

I certify the foregoing to be a true copy from the original rolls on file in my office.

GEORGE W. McCLEARY,

Secretary of State.

EXECUTIVE OFFICE, IOWA CITY, }
January 11th, 1855. }

SIR:—I beg leave to call your attention to the foregoing joint resolutions of the General Assembly of the State of Iowa, asking for additional appropriations for improving the rapids of the Mississippi river. The small appropriation heretofore made to this object has sufficiently demonstrated the feasibility of the improvement, and its importance to the commercial interests of the whole Union is confessed by all. The people of the State of Iowa respectfully solicit your co-operation in this behalf.

I am very respectfully,

Your obedient,

JAMES W. GRIMES.

Which,

On motion by Mr. Merrifield,

Was referred to a select committee composed of Messrs. Merrifield, Wilson, Huffstetter, Sturgis, and Monks.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Hargrove,

From William P. Woodall and others on the subject of ditching swamp lands.

Which,

On motion by Mr. Hargrove,

Was referred to the committee on swamp lands.

By Mr. Coen,

A petition of certain citizens of Fountain county, on the subject of temperance.

Which,

On motion by Mr. Coen,

Was referred to the committee on temperance.

By Mr. Coen,

A petition of the ladies of the town of Attica on the subject of temperance.

Which,

On motion by Mr. Coen,

Was referred to the committee on temperance.

The following message was received from the Secretary, Mr. Turman:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House:

Resolved, The Senate concurring, that 3,000 copies of the annual report of the Commissioners and Superintendent of the Indiana Hospital for the Insane, be printed and placed in the hands of the Superintendent for the use of said institution.

Mr. Bonner presented a petition from sundry citizens of Decatur county, on the subject of the consolidation of the school fund.

Which was,

On motion by Mr. Bonner,

Referred to the committee on education.

REPORTS OF STANDING COMMITTEES.

The following report was made by Mr. Clark of Rush, from the committee on engrossed bills:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 56, and compared the same with the original bill, and find that the same has been correctly engrossed.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred bill of the House No. 20—a bill to amend the 18th section of an act entitled “an act for the more uniform mode of doing township business,” approved May 6, 1852—have had the same under consideration, and have directed me to report that in the opinion of your committee it is inexpedient to legislate upon the subject, and recommend that said bill be laid upon the table.

Which was concurred in, and the bill was laid upon the table.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 27—to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers,” approved June 18, 1852, together with certain instructions and resolutions of the House on that subject—have had the same under consideration, and have directed me to report said bill back to the House, with the following amendments, after the adoption of which amendments, they recommend its passage, to-wit:

1. Amend 9th line of third page, after the word “district,” by striking out the words, “seventy-five cents,” and inserting the words, “one dollar.”

2. Amend the 12th line of third page by adding after the word “supervisor,” the words, “which receipt the person shall file with the township clerk.”

3. Amend second line, 6th page, after the word “trustees,” by striking out the word “shall,” and inserting the word “may;” and in third line, same page, strike out the words “less than five, nor.”

4. Amend by striking out the fourth section of the bill.

5. Amend by adding the following, to-wit:

SECTION —. That the thirtieth section of the act to which this is an amendment, which reads as follows: "The board of trustees may levy an addition tax for road purposes in said township, not to exceed one and three-fourth cents on each and every acre of land lying and being within the limits of said township, subject to taxation, if a majority of the legal voters of said township there voting shall vote at the April election in favor of said tax; *provided, however*, that persons so assessed may work out the amount of said tax at the rate of seventy-five cents per day, under the direction of the supervisor, in the district in which it lies"—be and the same is hereby repealed.

SEC. —. That all rights and causes of action, and prosecutions pending or accruing under former laws repealed by this act, shall vest and continue, and be prosecuted to final judgment, as if said former laws were not by this act repealed.

On motion by Mr. Cotton,

The question was put upon the amendments recommended by the committee separately.

The question being so put,

The first, second, third, and fourth amendments were adopted.

Mr. Hadsell moved to amend the fifth amendment, by providing therein, that the township trustees may levy a specific tax of one and one fourth cents on every acre of land.

Mr. Hervey moved to refer the bill and amendment to the committee on the judiciary,

Which motion prevailed.

Mr. Studabaker moved to give the committee on the judiciary the following instructions:

To provide that the township trustees may, if they deem it necessary, levy a tax of not more than one and three quarter cents, nor less than one half cent on each acre of land in their township.

Which instructions were not adopted.

Mr. McConnell, from the committee on the organization of the courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred resolution No. 5, of this House, relative to that part of the Governor's message as regards the increase of the salaries of judges and other officers, have had the same under consideration and direct me to report the following bill, and recommend its passage:

House bill No. 109. A bill relative to the salaries of public officers, and providing the manner of paying the same,

Which was read a first time and passed to a second reading.

Mr. Tackett asked leave of absence for Mr. Thomas, until Monday next,
Which was granted.

Mr. Monks, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred House bill No. 64, have instructed me to report the same back to the House and recommend its passage.

The bill was ordered to be engrossed.

Mr. Humphreys moved to reconsider the vote on the engrossment of the bill,

Which motion prevailed.

Mr. Studabaker offered the following amendment: "Strike out of the 5th section the word "tried by a jury" and insert the words "in which a jury is called and sworn."

Mr. Buskirk moved to refer the bill to the committee on the judiciary, with the following instructions, "to report a bill abolishing the regular pannel of jurors, and providing for the selection of jurors from the bystanders."

Mr. Murray moved to lay the instructions of Mr. Buskirk upon the table.

The ayes and noes being demanded by Messrs. Buskirk and Landers,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branhám, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hume, Jeter, King of Johnson, King of Madison, Lemmon, Logan, Lowe, McConnell, McCord, McFarland, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Weir, Wood and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Buskirk, Gordon, Hardin, Hester, Huffstetter, Humphreys, Landers, Lewis, McClure, McMurry, Miller, Montgomery, Shull, Usry and Williamson—15.

So the instructions were laid upon the table.

Mr. Hester moved to refer the bill to the committee on the judiciary;

Which motion prevailed.

The following message was received from the Senate by their Secretary, Mr. Turman:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed, without amendment, engrossed bill of the House

No. 76. A bill to authorize the Auditor of State to retain so much of the interest on the stocks of any bank as may be sufficient to indemnify the State against loss of any sum due by any bank to the State.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the accompanying enrolled bill of the House, No. 76, with the engrossed bill of the corresponding number and find the same correctly enrolled.

The Speaker laid before the House the following report from the Superintendent of the Asylum for the Deaf and Dumb, in answer to a resolution of the House:

INSTITUTION FOR THE DEAF AND DUMB,
Indianapolis, January 25, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—The following resolution, passed January 23, by the body over which you preside, has been received:

“Resolved, That the Superintendent of the Insane Hospital, the Superintendent of the Deaf and Dumb Asylum, and the Superintendent of the Blind Asylum, be requested, as far as practicable, to report to this House the number of inmates of their several institutions who are the immediate descendents of parents who are allied to each other by the ties of consanguinity as near as first or second cousins.”

In answer to the above resolution, I beg leave to call the attention of the members of the House of Representatives to the statements on that subject contained in my annual report, which was laid before them a few days since, as embracing all the information on the subject in my possession at the present time. They will

find the information sought on the 46th, and from that to the 53d page of the report, in the right hand column of statistics there recorded. The number known to belong to that class is there set down at twenty. But it must not be supposed that the catalogue in this particular is by any means complete. My predecessor in office made no record of facts on this subject, and my inquiries have extended only over a period of about two years, and embrace less than 75 cases. Of the 164 pupils now connected with the institution, very few of them are possessed of any information on the subject, and parents generally are found to be unwilling to confess to any relationship within the degrees of consanguinity above mentioned, so that it is very difficult to arrive at anything like full and definite information on this point.

From all the information I can gather, I am clearly of the opinion that, of the congenitally deaf and dumb, one at least out of every five, is the offspring of parents who have married within the degrees of consanguinity as near as first or second cousins. And I have not a shadow of doubt that the violation of this law of nature is one of the most fruitful sources of imbecility, idiocy, insanity, blindness and deafness that exists.

Respectfully submitted by

THOS. MACINTIRE, *Superintendent.*

Mr. Schoonover offered the following resolution :

WHEREAS, under existing laws, no enumeration of the militia of this State has been made, nor can the same be made in consequence of the inefficiency thereof, and as such enumeration is necessary to secure to the State its quota of arms from the General Government; therefore,

Be it Resolved, That the committee on military affairs be instructed to report to this House a bill providing for such enumeration, and for the manner and terms of the distribution of such arms when received into the possession of the State.

Which resolution was adopted.

Mr. Montgomery offered the following resolution :

Resolved, That this House adjourn until Monday, 2 o'clock.

Mr. Murray offered the following amendment :

Strike out all after the resolving clause and insert the following: "That when this House adjourn this day at noon, it stand adjourned till Monday next at 2 o'clock P. M."

Mr. King of Johnson offered to amend the amendment as follows: "That when this House adjourn this evening it stand adjourned until 2 o'clock P. M. Monday next."

Which amendment was not adopted.

The question being on the amendment as amended,
It was adopted.

The question being on the adoption of the resolution as amended,

The ayes and noes were demanded by Messrs. Humphreys, Peden, McMurry, Studabaker, Hall of Warren, Tanner, Davis, Essex, Hargrove, Brazelton, and Merrifield.

Those who voted in the affirmative were,

Messrs. Branham, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Crozier, Dickerson, Dunn, Gifford, Gwinn, Harryman, Hillyer, King of Johnson, King of Madison, McConnell, McCord, Meredith, Montgomery, Murray, Newcomb, Shanks, Shryock, Spotswood, Stanton, Tackett, Test, Turner, Weir, Wilson, Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Alden, Beach, Bonner, Brazelton, Brothwell, Burnett, Carnahan, Coen, Cotton, Davis, Ellis, Essex, Fouts, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Huffstetter, Hume, Humphreys, Jeter, Landers, Lewis, Lemmon, Logan, Lowe, McClure, McFarland, McMurry, Malick, Martin, Mellett, Merrifield, Monks, Peckenpaugh, Peden, Sanford, Schoonover, Shull, Smith of Lagrange, Smith of Perry, Studabaker, Tanner, Trusler, Wood—49.

So the resolution was not adopted.

Mr. King of Johnson offered the following resolution:

Resolved, That the committee on corporations be instructed to examine into the propriety of so amending the law providing for incorporation of bridge, plank, and macadamized road companies, that they cannot collect toll unless they are kept in good repair, and that they report by bill or otherwise.

Mr. Wilson asked leave of absence for Mr. Gwinn, which was granted.

Mr. Spotswood offered the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of authorizing county treasurers to receive the circulation of the specie-paying free banks of this State, also the circulation of such free banks as are based upon the State stocks of Indiana, in payment of taxes, and to report at their earliest convenience.

Which was not adopted.

On motion by Mr. Hudson,

Leave of absence was granted to Mr. Burnett until Tuesday next, two o'clock P. M.

On motion by Mr. Buskirk,

Leave of absence was granted to Mr. Montgomery until Monday next.

Mr. Buskirk offered the following amendment to the rules:

Rule No. —. When a bill or joint resolution shall be put upon its passage, and shall receive a majority of the votes cast, but not the number of votes required by the constitution, the same shall not be considered lost, but when bills or joint resolutions upon their third reading shall be in order, any member who voted with the majority, or who did not vote at all, may call the same up, and the House shall take another vote thereon, and any number of votes may be taken in such cases by the House.

Mr. Beach moved to amend the rule as follows, by adding the words, "*Provided*, that such vote shall be taken by the House."

Which amendment was adopted.

The question then being on the adoption of the rule as amended, It was adopted.

On motion by Mr. Usry,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of abolishing the office of township trustees, clerk, and treasurer, and providing for the management of all matters heretofore entrusted by law to these officers, by one officer, to be styled township superintendent, and that said committee report by bill or otherwise.

On motion by Mr. King of Johnson,

Resolved, That the committee on the judiciary be instructed to report a bill to this House, amending the act providing for the settlement of decedents estates, and prescribing the rights, liabilities, and duties of officers connected with the management thereof, so that the judge of the court of common pleas, be required to examine the bonds, securities, &c., of administrators and executors, from time to time, to be prescribed by law, and that he have the power to require such administrator and executor to give additional bond or bonds, and to enter into further securities, whenever he shall deem it advisable.

On motion by Mr. Hadsell,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

Mr. Hester offered the following resolution:

Resolved, That the Senate be requested through its principal secretary, to send back to this House bill No. 45 thereof, concerning the appointment by county commissioners of persons to fill vacancies in the office of clerk of circuit and common pleas courts; the same being already provided for in existing law.

On motion by Mr. Buskirk,
A call of the House was made.

Those who answered to their names were,

Messrs. Alden, Beach, Bonner, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gordon, Hall of Warren, Hardin, Hargrove, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tanner, Trusler, Turner, Weir, Williamson, Wilson, Wood and Mr. Speaker—69.

Mr. Hudson moved to suspend the further call,
Which motion prevailed.

The question being on the adoption of the resolution of Mr. Hester,

It was adopted.

On motion by Mr. McMurry,

Resolved, That the doorkeeper be requested to ascertain of the publishers of the Daily State Sentinel, why they do not furnish full copies of their paper to the members of this House.

On motion by Mr. Hillyer,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reporting a section in the amendment to the assessment law, exempting from taxation the personal property of widows, where the same does not exceed the value of one hundred and fifty dollars.

Mr. Hardin offered the following resolution:

WHEREAS, life, liberty, and the pursuit of happiness are among the unalienable rights of every citizen: AND WHEREAS, the pursuit of happiness consists in ameliorating and elevating the condition of the human family; therefore

Resolved, That the committee on temperance be instructed to inquire into the expediency of enacting a law to effectually prohibit the use, manufacture, and importation of spirituous liquors, for medicinal as well as every other purpose whatever, and also, a law to prevent the culture, use, manufacture, and importation of tobacco, with leave to report by bill or otherwise.

Which was adopted by consent.

The following report was received from the Clerk of Knox County:

VINCENNES, January 25th, 1855.

MR. JOHN LEVERING:

Dear Sir:—In answer to a resolution of the House of Representatives, by you to me directed, I would inform you that there has been committed to the jail of this county during the past twelve months, four minors, one for murder, tried and sentenced to the penitentiary for life, one for passing counterfeit money, discharged, two for larceny, both acquitted, the ages not known. I would here remark that one poor boy about twelve or fourteen years of age, was this morning found near the depot of the Crawfordsville and Evansville railroad, frozen to death, caused by drunkenness. We do hope most sincerely, that the present session will dry up the cause, as we see every day in our streets, loud calls for something to be done by the law-making power for the restraining this monstrous iniquity.

Which was referred by consent to the committee on benevolent and scientific institutions.

Mr. Hudson moved to suspend the order of business, in order to take up bill No. 93.

Which motion prevailed.

When,

Mr. Hudson moved to suspend the rules of the House, in order that the bill be read a second time by its title.

The question being put,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Union, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis,

Essex, Fouts, Gifford, Gilham, Gordon, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Tanner, Trusler, Turner, Weir, Williamson, Wilson, Wood, Mr. Speaker—72

Mr. Clark of Rush voted in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Hudson offered the following amendment to the bill:

SECTION 53. Any bank or banking association, organized under the general banking law of this State, or hereafter to be organized, desiring to go into liquidation, for the purpose of closing business, shall give public notice of that fact in two newspapers at Indianapolis, and in one published at the place, or nearest to the place, where such bank or banking association is located, and the Auditor thereupon shall receive and cancel all the issues of such bank or banking association that may from time to time be presented to him, and for every one hundred dollars thus canceled he shall certify the same to the Treasurer, who shall surrender to such bank or banking association eighty-five dollars worth, and no more, of their stocks or bonds deposited as aforesaid; *Provided, however,* that if after the expiration of two years from said publication, there shall be a period of three months of that time, immediately preceding said expiration, in which none of the issues of such bank or banking association have been presented to said Auditor as aforesaid, and if ninety-five per cent. of all the issues of such bank or banking association have been canceled as aforesaid, then said Treasurer shall surrender to said bank or banking association all the stocks or bonds deposited with him by such association, first settling and paying all expenses out of such stocks or bonds.

SEC. 54. All laws and parts of laws conflicting with this act are hereby repealed.

SEC. 55. Inasmuch as the present general banking law of this State is insufficient to afford to the people a sound circulating medium, an emergency exists for the immediate taking effect of this act. It is therefore declared that the same shall take effect and be in force from and after its passage.

Which amendment was adopted.

On motion by Mr. Humphreys,

The bill was laid upon the table, and five hundred copies ordered to be printed.

On motion by Mr. Brazelton,

Resolved, That the committee on the rights and privileges of the inhabitants of the State be instructed to report a bill to prevent the carrying of concealed weapons.

BILLS INTRODUCED.

Mr. Trusler introduced

Bill No. 110. A bill to amend the thirty-second section of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved Jan. 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Martin introduced

Bill No. 111. A bill to amend an act in relation to county treasurers.

Which was read a first time and passed to a second reading.

Mr. Hester introduced

Bill No. 112. A bill requiring the Clerk of the Supreme Court to tax against and collect from the defendants in each of the cases therein submitted and determined in favor of this State, since the publication of the Revised Statutes thereof for the year 1852, or so submitted and hereafter determined in that behalf, a docket fee of ten dollars for the benefit of the attorney prosecuting or defending such cases.

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 50. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants,

Was read a third time.

Mr. Newcomb moved to recommit the bill to the judiciary committee with the following instructions:

Add to the first section the following words: "*Provided*, however, that the lien of the landlord shall not, except as against other creditors, extend to more than one-half of such crops."

The question being put,

Messrs. Landers and Meredith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bonner, Cain, Carnahan, Clark of Steuben, Clark of

Union, Coen, Ellis, Essex, Hillyer, Huffstetter, Landers, Lewis, Lowe, McConnell, McCord, McFarland, Newcomb, Peckenpaugh, Sanford, Schoonover, Shryock, Smith of Perry, Tanner, Todd, Williamson, Wilson, Mr. Speaker and Hardin—28.

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Brothwell, Buchanan, Buskirk, Clark of Jasper, Clark of Rush, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Fouts, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hudson, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Logan, McClure, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Murray, Peden, Sidwell, Shanks, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Trusler, Turner, Weir, and Wood—53.

So the motion did not prevail.
The question being put,
Shall the bill pass?

Those who voted in the affirmative were,

■ Messrs. Bonner, Cain, Carnahan, Clark of Steuben, Coen, Ellis, Essex, Fouts, Hardin, Hargrove, Hillyer, Huffstetter, Hume, Landers, Lewis, Logan, Lowe, McCord, Peckenpaugh, Schoonover, Shryock, Tanner, Wilson, Wood and Mr. Speaker—25.

Those who voted in the negative were,

Messrs. Alden, Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Clark of Jasper, Clark of Rush, Clark of Union, Cotton, Crozier, Dickerson, Dunn, Earl, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hudson, Humphreys, King of Johnson, King of Madison, Lemmon, McConnell, McClure, McMurry, Martin, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Todd, Trusler, Turner, Weir and Williamson—56.

So the bill did not pass.
The following message was received from the Governor:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills:

No. 24. An act to amend the first and fourth sections of an act entitled "an act for the incorporation of cities;" approved June 18th, 1852.

No. 76. An act to authorize the Auditor or other officer of State to retain so much of the interest on the stocks of any bank as may be sufficient to pay its taxes, and to indemnify the State against loss of any sum due by any bank to the State.

Which bills originated in the House of Representatives.

No. 40. A bill supplementary to an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions;" approved May 29, 1852,

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, King of Johnson, King of Madison, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McMurry, Martin, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Trusler, Turner, Weir, Wilson, Wood, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Carnahan, Landers, Logan and Tanner—4.

So the bill passed.

Mr. Hester moved to amend the title of the said bill so as to read as follows:

A bill providing that no justice shall hear or determine any State prosecution for an assault and battery or assault, unless the injured party be present, or being summoned refuses to attend, or when the summons for him is returned not found, and that no trial shall be had in cases of affray unless a witness thereof be present and testify upon such trial, or being summoned refuses to attend.

Which motion prevailed.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

No. 55. A bill to authorize the county auditor to convene the county board in cases of emergency,
 Was read a third time, the question being,
 Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Martin, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Weir, Wilson, Wood and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Carnahan, Hadsell and Landers—3.

Mr. Murray moved to amend the title, by striking out the word "the" when it occurs therein, and by adding the letter "s" to the words "auditor" and "board."

Which motion prevailed.

The title as amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

No. 57 An act supplemental to an act regarding estrays and articles adrift.

Was read a third time, the question being,
 Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Brothwell, Buchanan, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry,

Stanton, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Weir, Williamson, Wilson, Wood and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Buskirk, Carnahan and Landers—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 71. A bill to provide for the service of summons of a witness by copy,

Was read a third time, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Buskirk, Clark of Rush, Clark of Steuben, Cotton, Ellis, Essex, Gifford, Hervey, Hester, Hillyer, Huffstetter, Humphreys, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McFarland, McMurry, Martin, Monks, Newcomb, Pekenpough, Peden, Sanford, Shanks, Smith of Perry, Spottswood, Studabaker, Tanner, Test, Trusler, Weir, Wilson and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Cain, Carnahan, Clark of Jasper, Clark of Union, Coen, Crozier, Davis, Dickerson, Fouts, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hudson, Hume, Jeter, Lemmon, McCord, McClure, Malick, Meredith, Merrifield, Murray, Shryock, Shull, Smith of Lagrange, Stanton, Turner, Williamson and Wood—39.

So the bill did not pass.

Mr. Murray moved to reconsider the vote just taken, rejecting bill No. 71.

Which motion prevailed.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Coen, Cotton, Davis, Earl, Ellis, Essex, Fouts, Gifford, Gordon, Hadsell, Hall of Warren, Hardin, Hervey, Hester, Hillyer, Huffstetter, Humphreys, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McCon-

nell, McCord, McFarland, McMurry, Malick, Mellett, Meredith, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Weir, Williamson, Wilson, Wood, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Beach, Buchanan, Carnahan, Crozier, Dickerson, Hargrove, Hudson, Jeter, Lemmon, McClure, Martin and Shryock—12.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry moved to reconsider the vote adopting the title to House bill No. 23.

Which motion prevailed.

Mr. Smith of Perry moved to amend the title by adding the following words: "So as to extend to any person, persons, or corporations, who may own or hold by lease land on any creek or river, the right to have a public ferry, and to prevent a ferry, lying in two counties, from being assessed with a double tax."

Which motion prevailed.

The title as amended, was then adopted.

Ordered, That the clerk inform the Senate thereof.

Senate Bills on Third Reading.

No. 7. A bill supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 9th, 1852.

Was read a third time.

The question then being.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett.

Tanner, Test, Trusler, Turner, Weir, Williamson, Wilson, and Wood—78.

Mr. Carnahan and Mr. Speaker voted in the negative.

So the bill passed.

Mr. Smith of Perry moved to amend the title by adding these words: "and prescribing the manner of filling vacancies."

Which motion prevailed.

The title as amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

House Joint Resolutions on Third Reading.

No. 2. A joint resolution in relation to the subject of slavery in the territories of Kansas and Nebraska,

Was read a third time.

Mr. Carnahan moved to indefinitely postpone the joint resolution.

Mr. Sanford moved to lay the joint resolution on the table.

Which motion prevailed.

No. 3. A joint resolution as to the subject of the political excitement of the times,

Was read a third time.

On motion by Mr. Test,

The joint resolution was laid upon the table.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills thereof.

No. 48. A bill to provide for the preservation of newspapers, published in the several counties in the State of Indiana, in the office of the Auditor of each county, and to repeal an act entitled "an act for the subscription to, and preservation of the public newspapers printed in the several counties in this State;" approved June 9th, 1852.

Also,

No. 21. A bill to adjust the Gibson Seminary township claim, and for quieting the title of the Indiana University to the State University fund.

Also,

Senate joint resolution No. 5. A joint resolution in relation to the election of United States Senators.

In which the concurrence of the House of Representatives is respectfully requested.

Senate Bills on First Reading.

No. 21. A bill to adjust the Gibson seminary township claim, and for quieting the title of the Indiana University to the State University fund.

Which was read a first time and passed to a second reading.

Mr. Buskirk moved to reconsider the vote upon the resolution of Mr. Montgomery, as amended, upon the subject of adjourning till Monday next at noon.

Which motion prevailed.

The question then being on the adoption of the resolution,
It was adopted.

On motion by Mr. King of Johnson,
The House adjourned till Monday next, 2 o'clock, P. M.

MONDAY AFTERNOON, 2 o'clock, }
January 29th, 1855. }

The House met pursuant to adjournment,

Mr. Carnahan of Posey in the chair.

George W. Monks was called upon to act as clerk.

On motion by Mr. Hardin,

A call of the House was ordered.

When the following members answered to their names, viz:

Messrs. Bartholomew, Beach, Branham, Carnahan, Clark of Rush, Cotton, Davis, Ellis, Essex, Gifford, Hall of Warren, Hardin, Hervey, Hunt, Jeter, Lewis, Lowe, McClure, Malick, Martin, Monks, Newcomb, Peckenpaugh, Peyton, Schoonover, Shull, Tanner, Todd, Williamson, Wheeler and Wood—31.

On motion by Mr. Jeter,

A further call was dispensed with.

On motion by Mr. Clark of Rush,

The House adjourned till 9 o'clock on to-morrow morning.

TUESDAY MORNING, 9 o'clock, {
January 30, 1855. }

The House met pursuant to adjournment.

On motion by Carnahan,
The reading of the journals was dispensed with.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the education of the Blind:

INSTITUTE FOR THE BLIND, {
January 26, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives :

SIR:—I have received the following communication, being a resolution passed by the body over which you preside, viz:

Resolved, That the Superintendent of the Insane Asylum, the Superintendent of the Deaf and Dumb Asylum, and the Superintendent of the Blind Asylum, be requested, as far as practicable, to report to this House the number of inmates of their several Institutions who are the immediate descendents of parents who are allied to each other by the ties of consanguinity as near as first or second cousins; and that the clerk of this House be instructed to transmit a copy of this resolution to the several Superintendents above referred to."

To which I have the honor to submit the following answer:

Since the establishment of this institution, one hundred and sixteen persons have been connected with it as pupils. Of this number seventy have lost their sight by accident or disease. The remaining forty-six were born blind. Of these, twenty-one were the children of parents who were first or second cousins before marriage. Three others are the children of a blind father, but the parents were not related. The parents of the remaining 22 are not *known* to have been related before marriage.

Very respectfully yours,

GEO. W. AMES,
Superintendent.

The Speaker laid before the House the following communication from the Superintendent of the Hospital for the Insane:

INDIANA HOSPITAL FOR THE INSANE, {
January 24, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives :

SIR:—In reply to the resolution of the House of Representatives, requesting the Superintendents of the benevolent institutions to report as far as practicable, the number of inmates of their several institutions who are the immediate descendents of parents who are allied to each other by the ties of consanguinity as near as first or second cousins, I have to say, what I very much regret, that the records of this institution affords but four patients, whose parents were connected by the ties of consanguinity, and the facts associated with the history of these, were accidentally obtained. The sheriffs of counties or their deputies, in a large majority of cases, bring the patients to the Hospital, and in nineteen cases out of twenty, they are unacquainted with the domestic relations of the applicants; consequently I am solely dependent upon the admission papers for all previous history of patients. The law of inquest not requiring the medical witness to state in his certificate the information now sought for by the House, I have no means of affording you more unequivocal instances than the number mentioned above, although I am satisfied that of the two hundred and four cases of insanity, designated hereditary on the records in our office, the larger proportion are the descendents of cousins; if not immediate, at least in some of the remote branches. The records of similar institutions on this, and the continent of Europe, fully sustains the conviction.

Very respectfully,

JAMES S. ATHON,

Superintendent.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Spottswood,

From sundry citizens of Vermillion county, praying a law that shall effectually prohibit the trafic in intoxicating liquors,
Which was,

On motion by Mr. Spottswood,
Referred to the committee on temperance.

By Mr. Spottswood,

From sundry citizens of Vermillion county, praying the passage of a law prohibiting the violation of the Sabbath,
Which was,

On motion by Mr. Spottswood,

Referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Schoonover,

From D. C. Thomas of Salem, Ind., asking an allowance for services rendered the State, in apprehending and bringing to justice two horse-thieves, who were sentenced to the penitentiary.

Which was,

On motion by Mr. Schoonover,
Referred to the committee on claims.

By Mr. Clark of Jasper,

From sundry citizens of Jasper county, praying the enactment of a prohibitory liquor law.

Which was,

On motion by Mr. Shryock,
Referred to the committee on temperance.

By Mr. Fouts,

From sundry citizens of Clarksville, in Clark county, on the subject of reinstating the trustees of said town.

On motion by Mr. Fouts,
The petition was laid upon the table.

By Mr. Hall of Laporte,

From sundry citizens of Laporte county, on the subject of desecration of the sabbath.

On motion by Mr. Hervey,
The petition was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Murray,

A claim from H. P. Thornton, esquire,
Which was referred to the committee on claims, without reading.

By Mr. Hardin,

A claim of Nathan Rowly, late school commissioner of Vanderburg county, founded upon his settlement with Alfred M. McGiff, and Horatio Q. Wheeler, arbitrators, appointed by the commissioners of said county.

On motion,

The claim was referred to a select committee; consisting of Messrs. Hardin, Hargrove, Smith of Perry, Clark of Rush and Monks.

By Mr. Coen,

From the citizens of Fountain county, on the subject of the consolidation of the school tax, and also asking a repeal of the law organizing boards of township trustees.

Which was,

On motion by Mr. Huffstetter,
Referred to the committee on education.

By Mr. Clark of Tippecanoe,

From the citizens of Tippecanoe county, praying the enactment of a law making it lawful for husband and wife jointly to make a will.

Which was,

On motion by Mr. Clark,
Referred to the committee on the judiciary.

REPORTS OF STANDING COMMITTEES.

Mr. Beach, from the committee on benevolent and scientific institutions, made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions to whom was referred so much of the Governor's message, as relates to houses of refuge for juvenile offenders, have had the subject under consideration, and have directed me to report—

That, viewing that provision of the constitution relating to houses of refuge, as an imperative one, which the members of the General Assembly have solemnly sworn to support, the committee were unanimously of opinion that the only legitimate question before them was, as to the best system to be devised in carrying out the injunctions of the constitution. In pursuance of this object, the committee have been untiring in their researches, and as the result thereof, have come to the following conclusions:

1st. That the constitution contemplates a system, which shall be capable of expansion, as the wants of the State, and the dictates of humanity shall, from time to time, require. The bill herewith submitted, provides for the erection of a house of refuge near the Capital city, of sufficient capacity for the accommodation of the officers and their families, and one hundred inmates. This, the committee believe, from the data before them, will be sufficiently large, not only for a trial of the system, but for the wants of the State for some years to come. When it fails in capacity to accommodate the class for which it was instituted, the committee believe that similar institutions should be established in other portions of the State, thus reducing the amount of travel,

and bringing the inmates in as close proximity to their parents and friends as possible, consistently with the efficiency necessary for the success of the system.

2d. The committee believe that educational and industrial pursuits should be combined, in the efforts to work out the reformation contemplated by the constitution. They have therefore taken as a model for the bill herewith presented, the State Reform School, now in successful operation in the commonwealth of Massachusetts, believing it to be the best adapted to the purpose, of any system now in existence. The committee have assurances from unquestioned authority of the eminent success of that institution, and they have therefore preferred to travel in the beaten track of experience rather than to wander in the untried and often thorny paths of experiment.

3d. The committee are of opinion that the labor of the convicts in the penitentiary could be profitably employed in the erection of the buildings as contemplated in the bill herewith presented. In this conviction they are strengthened by the opinion and arguments of his excellency, the Governor, which were freely laid before them, and to whom they are indebted for this suggestion. They believe with him, that the leasing system for convict labor should be abandoned at the earliest possible moment, as not only detrimental to the true interests of the State, but as injurious to the moral well-being of the convicts, and as opposed to the spirit of that benign provision of the constitution which declares, that the penal code shall be founded on the principles of reformation, and not of vindictive justice.

The committee, in justice to their own feelings, cannot close this report without tendering to his excellency, the Governor, their warm acknowledgments for his many valuable suggestions in aid of their labors, and the interest he has manifested in having those labors brought to a successful issue in carrying out the beneficent injunction in the constitution.

The committee would further state, that so soon as the information sought for by the resolutions of the House, from the warden of the State prison, the mayors of cities, and the clerks of the circuit courts in relation to juvenile crime, is obtained, the same will be embodied in a separate report at the earliest day possible, and laid before the House.

The committee, in conclusion, beg leave to present the following bills, to recommend their passage, and aside from the above named separate report, to be discharged from the further consideration of the subject.

No. 113. A bill to provide for the erection of a house of refuge in the vicinity of Indianapolis.

Which was read a first time and passed to a second reading.

No. 114. A bill to establish a state reform school for juvenile offenders at the house of refuge, in the vicinity of Indianapolis,
Which was read a first time and passed to a second reading.

The following message was received from the Senate, by Mr. Turman their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to return to the Senate, "No. 42. A bill to enable parties to convey lands, tenements, and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof."

In which the compliance of the House is respectfully requested.

On motion by Mr. Test,

The vote ordering Senate bill No. 47 to a second reading, was reconsidered.

Mr. Test moved 'that the bill be ordered to be returned to the Senate,

Which motion prevailed.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 3, to prevent desecration of the Sabbath, have had the same under consideration and direct me to report said bill back to the House, with the following amendment, and recommend its passage as amended: Insert after the word "rioting" the words "hunting and shooting."

The report was concurred in, and the amendment adopted.

No. 3. A bill to prevent the desecration of the Sabbath,
The bill as amended was ordered to be engrossed.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred that portion of the Governor's message relating to unjust exactions of railroad companies, have

had the same under consideration, and direct me to report the following bill, and respectfully recommend its passage:

Bill No. 115. A bill to prevent extortions by railroad companies. Which was read a first time and passed to a second reading.

Mr. Smith of Lagrange, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 52, "an act to prohibit profanity," have had the same under consideration and have directed me to refer it back to the House, and recommend its passage with the following amendment:

„*Provided, however,* That no person shall be fined to an amount exceeding ten dollars, in any one day, for a violation of the provisions of this act."

Which amendment was not adopted.

The bill was ordered to be engrossed.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

In compliance with a resolution of the House of Representatives of this day, I am directed by the Senate to return to the House, engrossed bill of the House—No. 45. A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in case of vacancy by death, resignation or otherwise.

On motion by Mr. Humphreys,

The bill was laid on the table.

Senate Bills on First Reading.

No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the auditor of each county; and to repeal an act, entitled "an act for the subscription to, and preservation of the public newspapers printed in the several counties of this State," approved June 9th, 1852;

Was read a first time and passed to a second reading.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives, that the Senate have passed the following joint resolution thereof:

No. 5. A joint resolution in relation to the election of United States Senator;

Was read a first time and passed to a second reading.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution thereof:

No. 6. A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States, after the passage of the act of Congress, donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands.

In which the concurrence of the House is respectfully requested.

The following message was received from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 18. A bill to repeal an act to prevent railroad companies from changing their depots, except on conditions therein named; approved March 4th, 1853.

No. 18. A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except on conditions therein named;" approved March 14th, 1853,

Was read a first time and passed to a second reading.

House Bills on Third Reading.

No. 48. A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto.

Was read a third time.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Broth-

well, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hunt, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Studabaker, Tackett, Tanner, Test, Todd, Turner, Wilson, Wheeler, Wood and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Rush, Humphreys, and Williamson—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Senate bill No. 4. An act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Fouts, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hume, Jeter, Landers, Lemmon, McConnell, McCord, McFarland, Meredith, Merrifield, Miller, Newcomb, Sanford, Shull, Smith of Lagrange, Spotswood, Studabaker, Tackett, Turner, Williamson, Wheeler, Wood, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Clark of Rush, Hervey, Hillyer, Huffstetter, Hunt, Lewis, Logan, Lowe, McClure, Malick, Martin, Mellett, Monks, Peckenpaugh, Peden, Schoonover, Sidwell, Shanks, Shryock, Smith of Perry, Tanner, Test, Todd, Walpole, Wilson, and Humphreys—26.

So the bill did not pass for want of a constitutional majority.

Mr. Mellett moved to take from the table joint resolution

No. 2. A joint resolution in relation to the subject of slavery in the territories of Kansas and Nebraska.

Which motion prevailed.

Mr. Mellett then moved to make said joint resolution the special order of the day for Thursday next, at 2 o'clock P. M.

Which motion prevailed.

Mr. Merrifield moved to take from the table House bill No. 36.

Which motion prevailed.

The bill was read a second time.

No. 36. An act to amend the 18th, 24th, 25th, and 26th sections of an act entitled "an act regulating descents, and the apportionment of estates;" approved May 14, 1852, and adding two supplemental sections to said act.

Mr. Merrifield moved to refer the bill to the committee on the judiciary.

Which motion prevailed.

Mr. Newcomb moved to give the committee the following instructions:

That said committee amend the law so as to vest absolutely in the widow the real estate which she inherited from her husband, and to vest absolutely in the husband, the real estate he may inherit from his wife.

Mr. Test moved to amend the amendment, by inserting before the word "amend" the words "inquire into the expediency of," and by changing the word "amend" into the word "amending."

Which motion prevailed.

The instructions as amended were then adopted.

Mr. Clark of Rush moved to instruct the committee as follows:

"To amend the bill so as to strike out the 5th section of said bill."

Mr. Studabaker moved to amend the instructions by striking out of the amendment the word amend, and inserting the words "inquire into the expediency of amending."

Which motion did not prevail.

Mr. Cotton offered the following amendment to the instructions:

To amend section 4th so as to read as follows: "If a husband or wife die intestate, leaving no child or children, the whole of his or her property, real estate, or personal, shall go to the survivor."

The amendment was not adopted.

Mr. Test moved to lay the instructions on the table,

Which motion prevailed.

Mr. King of Madison moved to reconsider the vote rejecting the instructions offered by Mr. Studabaker.

Which motion prevailed.

The question being on the amendment of Mr. Studabaker to the instructions,

The amendment was adopted.

The instructions, as amended, were adopted.

The Speaker laid before the House the following communication from the Governor:

EXECUTIVE DEPARTMENT, INDIANA, {
Indianapolis, January 30, 1855. }

TO HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—You will please lay the accompanying communication before the House of Representatives.

Respectfully yours,
JOSEPH A. WRIGHT.

Gentlemen of the House of Representatives:

The resolution of your House of the date of January 16, 1855, accompanied by the report of the Judiciary committee on the subject of taxing the Wabash and Erie Canal and the property belonging thereto, has been before me for several days.

An earlier reply has not been practicable, owing to various engagements and a press of official business. The present communication is made in respectful response to the inquiry of the House.

The several acts organizing the canal trust, and the property belonging thereto, are silent in regard to the power of taxation by the State, and the intention of the Legislature of 1845-'6, and 1846-'7, can only be inferred by the *expressed* requirements of these enactments. It is important in the first place to see what is commanded by the laws, and what the duty of the trustees under them.

The tenth section of the act of January 27, 1847, defines and directs the mode and manner of the application of the moneys accruing and arising from the tolls of the canals, and the sales of the canal lands. That act declares, "that after defraying all needful and proper expenditures for repairs, attendance, and other necessary things appertaining thereto, which shall be first paid, the same shall be held and applied by said trustees in trust and security for the use and purposes, that is to say " After providing for the payment of work, labor and materials for the completion of the canal, interest, principal, &c., and the application of the funds in the order therein named, the tenth and last direction in the scale of distribution, and applicable to the trustees, is as follows, to-wit: to pay into the treasury of the State any surplus or balance which remain on hand after making the several payments in the nine preceding classes mentioned. And this, I apprehend, is the only mode by which these can be applied to the general purposes of the State.

The nine classes of payments first provided for in the order in which they are mentioned, would seem to preclude the idea of a

new burden on the already limited means of the trust; and especially as the acts of the Legislature directed the mode and the manner of the payments, and classified them in the order of priority.

The fourteenth section of the act before recited is very explicit against a diversion of the trust funds to the general purposes of the State, and against their use except as provided in the tenth section. To this clause of the law I would respectfully call the attention of the Legislature.

It seems to me, however, that an examination of the 22d section of said amended act of 1846-'7 will dispel any doubts as to the power of the Legislature over those funds in the hands of the trustees. By the provisions of that section the General Assembly in the most solemn and emphatic manner pledged the tolls and revenues of said canal, present and future, lands and lots conveyed or intended to be conveyed, for the redemption of the stock and certificates issued in pursuance of said act; and then, for the purpose of removing all doubts as to what they intended by this act, use the following clear and explicit language:

"The said State shall not direct nor permit any appropriation to be made of said tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State, or otherwise howsoever."

These remarks are alone applicable to the funds in the hands of the trustees arising from the trust, the lands owned by the trust, the canal, locks, dams, and the property conveyed in deed by the Governor of the State, in pursuance of the acts above referred to. It is not intended to convey the idea that the State has not the right to tax, as well as the counties, the warehouses, commission houses, or other property located upon said canal, and owned by private individuals, or even by the trustees.

I enter into no constitutional or legal argument on the subject of the proposed tax. This is not the time nor the occasion for the performance of such duty. I think the language of the law, the nature of the trust, (both having been created and enacted for the benefit of the State and her creditors), preclude the right of the State to tax the canal and its properties; and in my humble opinion, we should be guilty of plighted faith, by attempting so to do. I take this occasion to say, that a reference of subjects of legislation to the executive of the State, in advance of legislative action, is of more than questionable propriety, and is well calculated to embarrass the independent action of the co-ordinate branches of the government, contemplated by the constitution.

As the House of Representatives, however, by adopting the suggestions of the judiciary committee, have deemed this a peculiar case, I do not feel at liberty to withhold these views of the laws governing the rights and duties of the State in regard to this trust, and her creditors.

Respectfully submitted,

JOSEPH A. WRIGHT.

House Bills on Second Reading.

No. 74. A bill to regulate the taking of appeals from the courts of common pleas, and from justices of the peace,
Was read a second time,
When,

On motion by Mr. Smith of Perry,
Was referred to the committee on the judiciary.

No. 75. A bill to more particularly define the boundary line between the counties of Gibson and Warrick,
Was read a second time,
When,

On motion by Mr. Lowe,
Was referred to a select committee.

Consisting of Messrs. Lowe, Hargrove, Williamson, Hardin, and Smith of Perry.

No. 66. A bill for the relief of Henry Wells, Treasurer of Lake county, Indiana,
Was read a second time,
When,

On motion by Mr. Studabaker,
Was referred to the committee on the judiciary.

Bill No. 67. A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed,

Was read a second time,
When,

On motion by Mr. Hester,
Was referred to the committee on the judiciary.

Mr. Studabaker moved to reconsider the vote referring the bill for the relief of Henry Wells, to the judiciary committee,
Which motion prevailed.

On motion by Mr. Smith of Lagrange,
The said bill was referred to the committee on ways and means.

No. 68. A bill providing for trial of causes, in the several circuit courts in cases in which the circuit judge is interested or related to either of the parties, also providing for the holding of terms, or days or parts of terms of such courts, when such judge is absent or unable to attend, and repealing sections 3 and 4 of chapter 4 of the 2d volume of revised Statutes of 1852;

Was read a second time,
When,

On motion by Mr. Murray,
Amended as follows:

Amend section — by a proviso; “that the parties litigant in any such case in which the judge is incompetent to try the same, from interest, may select some practicing attorney of said court, who may try the same;”

Which,

On motion by Mr. McConnell,

Was referred to the committee on the organization of courts of justice.

No. 69. A bill to prevent the erection of obstructions across navigable streams, and prescribing punishment therefor;

Was read a second time,

And the question being shall the bill be engrossed,

It was not so ordered.

Mr. Huffstetter moved to reconsider the vote on the refusal to engross the bill.

Mr. Studabaker moved to lay the bill upon the table,

Which motion prevailed.

No. 70. A bill to amend the 17th, 20th, and 36th sections of an act, entitled “an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof,” approved May 31st, 1852,

Was read a second time,

When,

On motion by Mr. Smith of Perry,

It was referred to the committee on the judiciary.

On motion by Mr. Carnahan,

The House adjourned till 2 o'clock, P. M.

TUESDAY, 2 o'clock, P. M., }
January 30, 1855. }

The House met pursuant to adjournment.

House bill No. 72. A bill to facilitate suits against the estates of foreign decedents having no personal representatives in this State,

Was read a second time,

When,

On motion by Mr. Clark of Rush,

Was referred to the committee on the judiciary.

House bill No. 73. A bill to repeal section 2, of an act entitled "an act regulating the fees of officers," approved June 16th, 1852, approved March 2d, 1853, and to repeal section 5 of an act entitled "an act providing for the election of county sheriffs, and prescribing some of their duties," approved June 7th, 1852, and amending section 25 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17th, 1852;

Was read a second time,

When,

On motion by Mr. Weir,

Was referred to the committee on the judiciary.

Senate Bills on Second Reading.

Bill No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the time of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein,

Was read a second time;

Mr. Test moved to amend as follows: "That the counties of Henry, Wayne, Randolph and Jay, shall hereafter constitute a new circuit to be called the 13th judicial circuit.

SEC. —. The continuance of the terms of court in the several counties of said 13th circuit, shall be as follows, to-wit: In the counties of Randolph and Jay, the court shall sit two weeks, if the business thereof require it; in the county of Henry three weeks if the business require it, and in the county of Wayne four weeks if the business thereof require it.

SEC. —. The term of courts in said counties, shall commence as follows, to-wit: "In the county of Wayne, on the first Mondays in March and September, in each year; in the county of Randolph on the fourth Mondays succeeding the commencement of court in the county of Wayne; in the county of Jay on the second Mondays succeeding the commencement of the court in the county of Randolph; and in the county of Henry on the second Monday succeeding the commencement of the courts in the county of Jay.

SEC. —. All writs, recognizances, publications, orders of court, and process whatever, which now have or hereafter may issue in said counties, are hereby made returnable to the first day of said courts to be holden in virtue of this act.

Mr. Shull move to lay the amendment on the table.

Which motion did not prevail.

The question then being on the adoption of the amendment of Mr. Test,

It was adopted.

Mr. Newcomb moved to amend the bill by adding the county of Madison to the 13th judicial circuit.

Mr. Shanks moved to lay the amendment of Mr. Newcomb on the table.

Which motion prevailed.

Mr. Shryock moved to refer the bill and amendment to the judiciary committee, with the following instructions:

That the committee inquire into the expediency of so amending the bill as to include Pulaski county in said circuit.

Which motion prevailed.

Mr. Test moved to take up Senate bill No. 4, which was lost for want of a constitutional majority.

Which motion prevailed.

Mr. Test moved to amend the bill as follows:

SEC. 1. By adding at the close of the section these words: "subject, however, to the restrictions and limitations contained in the 52d section of the act to which this is a supplement, which reads in these words, to-wit: 'The Auditor of State shall draw his order on the Treasurer of State, requiring him to place to the credit of the State out of the first moneys received into the Treasury for swamp lands, the amount paid out of the Treasury for the selection of swamp lands, and all other expenses incurred by the State in the disposal thereof.'"

On motion by Mr. Test,

The bill and pending amendment were referred to a select committee, consisting of Messrs. Test, Murray, Wheeler, Wilson, and Hall of Warren.

House bill No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing former laws in reference thereto,

Was read a second time.

Mr. Bonner moved to suspend the rules to allow the bill to be read a second time by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hardin, Harryman, Hervey, Hester, Hudson, Humphreys, Jeter, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Todd, Turner, Weir, Wood and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Carnahan, Hall of Warren, Hargrove, Huffstetter, Hume, Hunt, Landers, Lemmon, Lewis, Logan, Peyton, Schoonover, Spotswood, Tanner, Walpole, and Wheeler—17.

So the rules were suspended, and the bill was read a second time by its title.

Mr. Smith of Perry offered the following amendment:

Amend the 36th section so that it shall read as follows:

SEC. 36. In the county of Huntington on the first Mondays in January, April, June and October, and shall sit two weeks at each term in April and October, and one week at each term in January and June, if the business require it.

Amend the fifty-sixth section by striking out the word "one," and inserting the word "two."

Amend the 91st section so that it shall read as follows:

SEC. 91. In the county of Wells on the second Mondays in January and June, and on the third Mondays in April and October; and shall sit two weeks at each term in April and October, and one week at each term in January and June, if the business require it.

Amend the 42nd section so that it shall read as follows: In the county of Jay on the third Mondays of February, May, August, and November; and shall sit three weeks at each term, if the business require it.

Amend the 68th section so as to read as follows: In the county of Randolph, on the fourth Mondays of January, April, July and October; and shall sit three weeks at each term, if the business require it.

Amend section 28, by striking out the word "first" and inserting the word "second," and by striking out the word "November," and inserting the word "October."

Amend section 60, by striking out the word "third," and inserting the word "fourth."

Amend section 27, so that it shall read as follows: In the county of Gibson, on the first Mondays in February, May, August and November, and shall sit two weeks at each term, if the business require it.

Amend section 64, so that it shall read as follows: In the county of Posey on the first Mondays in March, June, September and December, and may sit two weeks at each term if the business require it.

Mr. Hester moved to refer the bill and amendments to the committee on the organization of courts of justice.

Which was so referred.

Mr. Buskirk offered the following amendment:

Strike out the word "three," where it occurs in section 54, and insert the word "two."

Which amendment was adopted.

No. 78. A bill to amend an act entitled "An act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith," approved Jan. 14, 1852,

Was read a second time.

Mr. Murray moved to refer the bill to the committee on education.

Mr. Huffstetter moved to amend by referring to the committee on the judiciary.

Which amendment was adopted.

The question then being upon referring to the committee on the judiciary,

It was so referred.

Mr. Buskirk offered the following instructions: "to provide for the manner in which the congressional township fund shall be distributed."

Which was adopted.

No. 79. A bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintainance,

Was read a second time, and referred,

On motion by Mr. Hester,

To the committee on the judiciary.

No. 80. A bill requiring written briefs to be filed in the Supreme Court,

Was read a second time.

Mr. Newcomb offered the following amendment:

Provided, that if the brief is not legibly written, the court may order its clerk to copy the same and tax the costs of said copy to the party filing the same.

Mr. Hester moved to amend the amendment by adding "so as to charge 10 cents on the 100 words"

So the amendment to the amendment was adopted.

The question then being on the adoption of the amendment as amended,

It was adopted.

The bill was ordered to be engrossed.

No. 81. A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof;" approved June 11, 1852.

Was read a second time, and

On motion by Mr. Hester,

Was referred to the committee on the judiciary.

No. 82. A bill to amend section 4, of an act entitled "an act touching official bonds and oaths, and supplemental thereto,"

Was read a second time.

Mr. Murray moved to amend as follows: "strike out that part of the bill which requires bonds of constables to be filed with township clerks, and insert "clerks of the circuit courts."

Which was not adopted.

On motion by Mr. Hester,

The bill was laid upon the table.

No. 83. A bill to amend an act entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties;" approved June 9th, 1852;

Was read a second time.

On motion by Mr. Clark of Rush,

The following amendment was adopted:

"The jurisdiction of any Notary Public duly qualified in this State shall be co-extensive with the limits of the State. But no notary shall be compelled to act out of the limits of the county in which he resides."

Mr. Test asked leave to report from a select committee to which was referred Senate bill No. —.

Which was granted by the House.

Mr. Test made the following report from said select committee ;

MR. SPEAKER:

The select committee, to whom was referred bill of the Senate No. 4, supplemental to an act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852, have had the same under consideration, and directed me to report the same back, with the following amendment, to-wit:

Add to the end of the first section, the following:

Subject however to the restrictions and limitations contained in the 52d section of the act to which this is a supplement, which reads in these words, to-wit: "The Auditor of State shall draw his order on the Treasurer of State, requiring him to place to the credit of the State, out of the first moneys received into the treasury for swamp lands, the amount paid out of the State treasury for the selection of swamp lands, and all other expenses incurred by the State, in the disposal thereof."

Add the following to the end of the second section:

Provided, however, That nothing in this act shall be so construed as to divert said funds from the objects now contemplated by law, but the same shall be faithfully appropriated to the purposes intended by law.

The report was concurred in

The House, by unanimous consent, permitted Mr. Murray to make explanations.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bartholomew, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Coen, Crozier, Davis, Earl, Ellis, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hester, Humphreys, Hunt, Jeter, Landers, Lemmon, Lowe, McCord, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Murray, Newcomb, Peyton, Sanford, Shryock, Shull, Smith of Lagrange, Stanton, Studabaker, Tanner, Test, Todd, Turner, Weir, Wheeler and Wood—53.

Those who voted in the negative were,

Messrs. Branham, Brazelton, Clark of Rush, Cotton, Dickerson, Dunn, Fouts, Hardin, Hervey, Hillyer, Huffstetter, Hume, Lewis, Logan, McConnell, McClure, Malick, Martin, Monks, Montgomery, Peckenbaugh, Peden, Schoonover and Shanks—24.

So the bill passdd.

Ordered, That the Clerk inform the Senate thereof.

No. 3. A bill to amend section 78, of article 8 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions in the courts of this State, approved June 17th, 1852, &c.

Which,

On motion by Mr. Test,

Was referred to the committee on the judiciary.

No. 6. A bill for the protection of the Sabbath;

Was read a second time.

Mr. Walpole offered the following amendment:

Insert after the words "necessity only excepted," in the first section,—or any person who shall, on the Sabbath day, take up a collection of money in consideration of services rendered upon the Sabbath, shall be subject to the foregoing penalties.

The question then being upon the adoption of the amendment.

The ayes and noes were demanded by Messrs. Lowe and Humphreys.

Those who voted in the affirmative were,

Messrs. Carnahan, Cotton, Crozier, Davis, Dickerson, Ellis, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, McClure, McFarland, Miller,

Peckenpaugh, Peyton, Schoonover, Shull, Tanner, Walpole, Weir, and Wheeler—30.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Earl, Essex, Fouts, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Todd, Turner, Wilson, Wood, and Mr. Speaker—57.

So the amendment was not adopted.

The bill passed to a third reading.

No. 13. A bill to amend section three of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852,

Which was read a second time, and passed to a third reading.

No. 17. A bill to authorize the successors of administrators and executors to make sales and conveyances of realty, under orders of sale procured by their predecessors;

The bill was read a second time and passed to a third reading.

Mr. Beach asked leave of absence for this afternoon, for the committee on benevolent and scientific institutions,

Which was granted.

No. 22. A bill to amend the 78th section of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852;

Which was read a second time,

When,

On motion by Mr. Smith of Perry,

The bill was referred to the committee on the rights and privileges of the inhabitants of the State.

No. 28. A bill to regulate the fees of county auditors for transferring lands for taxation;

Was read a second time,

When,

On motion by Mr. Landers,

The bill was referred to the committee on fees and salaries.

No. 31. A bill repealing an act therein named, and reinstating the former trustees of the town of Clarksville, in their powers, duties and rights;

Was read a second time,

Mr. Hudson moved to refer the bill to the committee on the rights and privileges of the inhabitants of this State,

Which motion prevailed.

Mr. Fouts moved to take from the table the memorial on the subject of the town of Clarksville,

Which motion prevailed.

Mr. Fouts moved to refer the memorial to the committee on the rights and privileges of the inhabitants of this State,

Which motion prevailed.

Mr. Hadsell moved to adjourn,.

Which motion did not prevail.

No. 36. A bill to amend sections 29, 30, and 31, of an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to provide for the distribution of the school funds in 1855;

Was read a second time.

Mr. Weir moved to refer to the committee on education.

The bill was so referred.

No. 39. A bill to regulate crossing of public highways and private roads by railroads.

Mr. Walpole moved to amend as follows: "All actions and rights of action under former laws, shall be vested and maintained as if this act was not enacted."

Mr. Merrifield moved to adjourn,

Which motion prevailed.

WEDNESDAY MORNING, 9 o'clock. {
JANUARY 31, 1855. }

House met pursuant to adjournment.

On motion by Mr. Shull,

The reading of the journal was dispensed with and it was so adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Sturgis,

A petition from sundry citizens of Allen county, on the subject of the desecration of the Sabbath,

Which was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Clark of Tippecanoe,

A memorial from the Hon. Isaac Naylor, on the subject of a monument to be erected on the battlefield of Tippecanoe,

Which,

On motion by Mr. Clark of Tippecanoe,

Was referred to a select committee, consisting of Messrs. Wilson, McConnell, Hillyer, Monks and Merrifield.

REPORTS FROM STANDING COMMITTEES.

Mr. Newcomb, from the committee on temperance, made the following report:

MR. SPEAKER:

The committee on temperance, to whom was referred that portion of the Governor's message, relating to the traffic in intoxicating liquors, and to whom were also referred sundry petitions of the good people of this State, praying for the enactment of a prohibitory liquor law, have had the same under advisement, and have given the subject that careful and thorough consideration which its importance demands.

Believing that the manufacture and sale of intoxicating liquors for any other purposes than those universally conceded to be useful and proper, is fraught with great injury to public and private interests, and should be visited with the penalties of the law, as well as public execration, the committee have instructed me to report the accompanying bill and recommend its passage:

No. 116. A bill to prohibit the manufacture and sale of spirituous liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of Intemperance,

Was read a first time.

Mr. Newcomb moved to suspend the rules and read the bill a second time by its title, so that the same be printed

The ayes and noes being demanded.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton,

Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Rush, Clark of Union, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Lowe, McConnell, McCord, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Todd, Turner, Wood and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Alden, Essex, Gordon, Hargrove, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, McClure, Miller, Montgomery, Peyton, Schoonover, Shull, Studabaker, Sturgis, Tanner, Walpole, Weir, Williamson and Wheeler—26.

So the rule was suspended, and the bill read a second time by its title.

On motion by Mr. Newcomb,

The bill was then laid upon the table and 1,000 copies of the report and bill ordered to be printed.

BILLS INTRODUCED.

Mr. Hester introduced

Bill No. 117. A bill repealing "an act to authorize and regulate the business of General Banking," approved May 28th, 1852, and providing for the liquidation of banks operating under said act.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 118. A bill to provide a site, system of government, and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders;

Which was read a first time and passed to a second reading.

Mr. Harryman introduced

Bill No. 119. An act to provide for the punishment of persons interfering with trains upon railroads.

Which was read a first time and passed to a second reading.

Mr. Hervey introduced

Bill No. 120. A bill to amend the 21st section of an act pre-

scribing the duties of justices of the peace in criminal prosecutions; approved May 29th, 1852.

Which was read a first time and passed to a second reading.

Mr. Alden introduced

Bill No. 121. A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in cases of such re-location.

Which was read a first time and passed to a second reading.

Mr. Hervey introduced

Bill No. 122. A bill to amend the 9th section of an act regarding estrays and articles adrift; approved June 16th, 1852.

Which was read a first time and passed to a second reading.

Mr. Sturgis introduced

Bill No. 123. A bill authorizing courts to appoint counsel to defend poor persons arraigned on criminal charges and to make compensation therefor; and also to assign assistant counsel to prosecute in criminal cases, and to allow compensation for such services, to be paid out of the county treasury.

Which was read a first time and passed to a second reading.

Mr. Bonner moved to suspend the order of business.

Which motion prevailed.

Mr. Bonner moved to take up House bill No. 8. A bill to regulate the election of United States Senator.

Which motion prevailed.

So the bill was taken up.

The question being upon the amendment proposed by the committee on the judiciary,

Mr. Walpole offered the following amendment to the amendment, proposed by the committee:

Amend by inserting the following at the conclusion of the first section of the bill so as to form a part of section first—

“No election shall be deemed valid unless a quorum of each house be present and voting.”

Mr. Hudson moved to lay the amendment upon the table.

Messrs. Humphreys and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, McConnell, McCord, Malick, Mellett,

Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Todd, Turner, Wood and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Humphreys, Hunt, Jeter, King of Madison, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Walpole, Weir, Williamson, Wilson and Wheeler—38.

So the amendment was laid upon the table.

Mr. Hudson moved to refer the bill to a select committee with instructions, as follows:

“That the convention of both houses shall not adjourn only from day to day until said election is effected.”

Add a section making it imperative on the Legislature preceding the expiration of the term of United States Senator to elect. Also, in case of the absence of the President of the Senate, the Speaker of the House shall preside over said convention.

Mr. Walpole moved to amend the instructions, “to provide that a quorum of each House shall be present and voting to make such election valid.”

Mr. Newcomb moved to adjourn till 2 o'clock P. M.

Which motion prevailed.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

On motion by Mr. Buskirk,

A call of the House was had, when

The following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Davis, Dickerson, Essex, Giffard, Gilham, Gordon, Hadsell, Hall of Laporte, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure,

McMurry, Malick, Martin, Merrifield, Miller, Monks, Montgomery, Newcomb, Peden, Sanford, Schoonover, Shanks, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Todd, Trusler, Turner, Usry, Williamson, Wilson, Wood and Mr. Speaker—69.

On motion by Mr. Carnahan,
A further call was dispensed with.

On motion by Mr. Carnahan,
Leave of absence was granted to Mr. Murray on account of sickness in his family.

The question then being upon the amendment offered by Mr. Walpole,

Mr. Newcomb moved to lay it upon the table.

The ayes and noes were demanded by Messrs. Walpole and Humphreys.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Todd, Trusler, Turner, Wood and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Hillyer, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Miller, Montgomery, Peyton, Schoonover, Shryock, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson, Wilson and Wheeler—41.

So the amendment to the instructions was laid upon the table.

Mr. Buskirk offered the following amendment to the instructions:

To provide 1st. That the Secretary of the Senate and Clerk of the House shall attend in joint convention, and call the members of their respective Houses.

2d. That the President of the Senate and Speaker of the House shall certify to the Governor, who is elected.

3d. That the Governor shall issue a commission to the person elected.

Mr. Test moved to lay the instructions and amendment upon the table.

The ayes and noes being demanded by Messrs. Walpole and Humphreys,

Those who voted in the affirmative were,

Messrs. Beach, Brothwell, Clark of Steuben, Clark of Tippecanoe, Ellis, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hillyer, Meredith, Monks, Peden, Shryock, Spottswood, Stanton, Test, Trusler, Turner and Wood—21.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Union, Clark of Rush, Coen, Cotton, Crozier, Davis, Dunn, Essex, Fouts, Gordon, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Martin, Mellett, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Todd, Usry, Walpole, Weir, Williamson, Wilson, Wheeler and Mr. Speaker—70.

So the instructions and amendment were not laid upon the table.

Mr. Hudson moved to lay the amendment of Mr. Buskirk to the instructions on the table,

Upon which Messrs. Humphreys and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Dickerson, Dunn, Ellis, Fouts, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, Landers, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Monks, Newcomb, Peden, Sidwell, Sims, Shanks, Shryock, Spottswood, Stanton, Todd, Trusler, Tanner, Wood and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Alden, Bonner, Buchanan, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Coen, Cotton, Crozier, Essex, Gordon, Hardin, Hargrove, Hervey, Hester, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Merrifield, Miller, Montgomery, Peckenpaugh, Peyton, Sanford, Schoonover, Shull, Smith of Perry, St abaker,

Sturgis, Tackett, Tanner, Test, Usry, Walpole, Weir, Williamson, Wilson and Wheeler—48.

So the amendment to the instructions was not laid on the table.

Mr. Newcomb moved to amend the amendment of Mr. Buskirk, as follows: "by providing that if the President of the Senate shall be absent, the Speaker of the House shall preside in his place, and if both be absent, or if any other officer required by this act to perform any duty under this act, be absent, the legislature in joint convention, shall fill such vacancies, for the time being,

Which amendment was adopted.

The amendment, as amended, was then adopted.

The question then being on the adoption of the instructions, as amended,

They were adopted.

Mr. Buskirk offered the following additional instructions:

Insert after the word House, in the second specification, these words viz: "or the Speaker of the House, if the President of the Senate is not present."

Mr. Test moved to lay the bill, amendments and instructions on the table.

Messrs. Humphreys and Walpole demanded the ayes and noes

Those who voted in the affirmative were,

Messrs. Bartholomew, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Fouts, Gwinn, Hadsell, Hall of Laporte, Hervey, Hester, Hudson, Jeter, King of Johnson, Landers, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Monks, Newcomb, Peden, Sanford, Sims, Shryock, Stanton, Tackett, Test, Todd, Trusler, Turner, Usry, Wilson and Wood—44.

Those who voted in the negative were,

Messrs. Alden, Beach, Bonner, Buchanan, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Gordon, Hall of Warren, Hargrove, Harryman, Huffstetter, Humphreys, Hunt, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Merrifield, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Sidwell, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tanner, Walpole, Weir, Williamson, Wheeler and Mr. Speaker—47.

So they were not laid upon the table.

The question then being on the adoption of Mr. Buskirk's instruction,

It was adopted.

Mr. Peden moved to indefinitely postpone the bill, with the pending instructions and amendments,

Upon which motion, Messrs. Shanks and Hardin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Carnahan, Clark of Jasper, Clark of Tippecanoe, Hargrove, Hester, Hunt, King of Madison, Landers, Lemmon, Lewis, Logan, Montgomery, Peden, Schoonover, Usry, Walpole, Weir and Williamson—18.

Those who voted in the negative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hill-
yer, Hudson, Huffstetter, Humphreys, Jeter, King of Johnson, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Newcomb, Peckenpangh, Peyton, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Todd, Trusler, Turner, Wheeler, Wood, and Mr. Speaker—71.

So the bill, pending instructions and amendment, were not indefinitely postponed.

Mr. Hudson moved to postpone the consideration of the bill and pending amendments until Saturday next, to be made the special order of the day for 4 o'clock, P. M.

Mr. Huffstetter moved to amend by striking out "4 o'clock," P. M., and inserting 7 o'clock, P. M.,

Which was not adopted.

The question then being upon the motion of Mr. Hudson, It did not prevail.

Mr. Hester moved the previous question,

Which was seconded by a majority of the House.

The question then being,

Shall the main question be put?

It was decided in the affirmative.

The question then being, shall the bill be recommitted with the instructions?

Those who voted in the affirmative were,

Messrs. Alden, Buchanan, Buskirk, Carnahan, Clark of Jasper, Coen, Cotton, Crozier, Essex, Gordon, Hardin, Hargrove, Hester, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of

Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Miller, Montgomery, Peyton, Schoonover, Shanks, Smith of Perry, Studabaker, Tackett, Tanner, Usry, Walpole, Weir, Williamson, Wheeler, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Bartholomew, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Davis, Dickerson, Dunn, Ellis, Fouts, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Smith of Lagrange, Stanton, Test, Todd, Trusler, Wood—43.

So the bill was not committed.

The question then being,

Shall the report of the committee on the judiciary be concurred in,
Messrs. Test and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, McConnell, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Stanton, Tackett, Test, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Alden, Bonner, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hardin, Hargrove, Hester, Hudson, Huffstetter, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McMurry, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Usry, Walpole, Weir and Williamson—37.

So the report was concurred in, and the bill ordered to be engrossed.

Mr. Branham moved that the House take up the message from the Senate from the table,

Which motion prevailed.

The following message was received from the Senate by their Secretary, Mr. Turman:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That a committee of two on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives, to superintend the destruction of the notes of the stock banks, which have been returned and canceled, and are now lying in the office of the Auditor of State.

Messrs. Cravens and Drew were appointed said committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

Mr. Meredith moved to reciprocate the action of the Senate upon the resolution.

Which motion prevailed.

Ordered, That the Clerk inform the Senate thereof.

The Speaker appointed as committee, on the part of the House, Messrs. Meredith and Dunn.

Mr. Cotton asked to be excused from serving on the committee on the affairs of the State Prison.

He was so excused, and Mr. Lemmon was appointed in his stead.

M. Fouts asked leave of absence for the committee on the affairs of the State Prison, in order that the committee might visit the same.

On motion by Mr. Meredith,

Mr. Mellett was added to said committee.

Mr. Branham asked to be excused from serving on said committee,

Which was granted.

Mr. Branham moved to excuse Mr. Malick from serving on the same committee,

Which motion prevailed.

Mr. Merrifield moved to amend the motion of Mr. Fouts so as to give the chairman of said committee leave of absence.

Which amendment was adopted.

The question then being, shall the chairman of the committee have leave of absence?

It was granted.

Mr. Huffstetter moved to suspend the order of business,

Which motion prevailed.

Mr. Huffstetter then moved to take up

Senate bill No. 44. A bill to authorize county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it,

Which motion prevailed.

Mr. Huffstetter offered the following amendment to the bill:

SEC. 2. As there is no law now in force authorizing the calling of special sessions of county boards, it is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore take effect and be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

Which amendment was adopted.

Mr. Schoonover moved to suspend the rules, that the amendment be considered as engrossed, and the bill read a third time.

The question being shall the rules be suspended?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Smith of Perry, Stanton, Studabaker, Tanner, Test, Todd, Trusler, Turner, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—80.

So the rules were suspended.

Mr. Hester moved to lay the bill on the table,

Which motion prevailed.

Mr. Bonner moved that the House grant leave of absence to two additional members of the committee on the affairs of the State Prison.

Mr. Hillyer moved to amend the motion so as to permit leave of absence to as many members of said committee as the committee may deem fit.

Which motion did not prevail.

The question then being on the motion of Mr. Bonner, It prevailed.

Mr. Huffstetter moved to take from the table,

Senate bill No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

Mr. Huffstetter moved to amend the bill as follows:

Add to section first of said bill, the words "by issuing to the sheriff of the county a summons to be by him served upon each member of such board, or upon a majority thereof in case any one of such board shall be temporarily absent from the county."

Which amendment was adopted by the House.

The bill was then read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurtry, Malick, Meredith, Merrifield, Miller, Montgomery, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Test, Todd, Trusler, Turner, Usry, Weir, Wilson and Mr. Speaker—76.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Brazleton,

The House adjourned until to-morrow morning. 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
February 1st, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By the Speaker,

A petition from Sundry citizens of Dearborn county on the sub-

ject of the school tax, and praying an amendment to the constitution,

Which,

On motion by Mr. Schoonover,
Was referred to the committee on education.

By Mr. Hardin,

A petition from sundry citizens of Vanderburg county, on the subject of temperance;

Which,

On motion by Mr. Newcomb,
Was laid on the table.

By Mr. Smith of Lagrange,

A petition from sundry citizens of Lagrange county, praying that the title of certain lands, which have escheated to the State, be vested in the following persons: William Palfreyman, D. Palfreyman, and Mary Palfreyman.

Mr. Smith of Lagrange, moved that the petition be laid on the table,

Which did not prevail.

On motion by Mr. Trusler,
The petition was referred to the committee on the judiciary.

By Mr. Peden,

From sundry citizens of the State praying a law to prohibit the sale of tobacco,

Which was,

On motion by Mr. Peden,
Referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. McConnell,

From sundry citizens of Daviess county, in reference to the estate of Jonah B. Wood, deceased,

Which,

On motion by Mr. McConnell,
Was referred to a select committee, consisting of Messrs. McConnell, Hillyer, Clark of Tippecanoe, Mellett and Dunn.

By Mr. Gwinn,

From sundry citizens of Carroll county, praying the legislature to appoint commissioners to examine into the propriety of changing the county seat of said county, from Delphi to Camden;

Which,

On motion by Mr. Gwinn,

Was referred to the committee on county and township business.

By Mr. Clark of Tippecanoe,

From the officers and attorneys of the courts of Tippecanoe county;

Which,

On motion by Mr. Clark of Tippecanoe,

Was laid on the table.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in engrossed amendments of the House to engrossed bill of the Senate,

No. 4. A bill supplemental to an act, entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

Also,

In engrossed amendments of the House, to Bill No. 44. A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendment of the House to title of engrossed bill of the Senate:

No. 7. A bill supplemental to an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852.

By Mr. Trusler,

A memorial from sundry citizens of the counties of Fayette and Rush, on the subject of the desecration of the Sabbath;

Which,

On motion by Mr. Trusler,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

REPORTS OF STANDING COMMITTEES.

Mr. Sanford, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House bill No. 32, a bill to amend the 14th and 23d sections of the assessment law, &c., have had the same under consideration, and direct me to report the same back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of divers persons, praying the enactment of a garnishee law, report the same back to the House, and recommend its reference to the judiciary committee.

The report was concurred in, and the petition referred to the committee on the judiciary, as recommended by the committee.

Mr. Meredith, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred the resolution of the House No. 13, instructing said committee to inquire into the expediency of so amending the assessment law of 1852, as to require the tax payers of each township to meet the tax collector at the place of holding elections, on the first Monday and Tuesday in April, in each year, at which time and place the tax payers shall then list their taxable property, report that it is inexpedient to legislate upon the subject at present.

The question being on concurring in the report,

Messrs. Schoonover and Meredith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Gilham, Hall of Laporte, Hargrove, Hervey, Hume, King of Johnson, Landers, Lewis, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Perry, Spotswood, Tackett, Test, Trusler, Turner, Williamson, Wilson, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Alden, Beach, Clark of Steuben, Cotton, Crozier, Ellis, Essex, Gifford, Gwinn, Hadsell, Hall of Warren, Harryman, Hester, Huffstetter, Humphreys, Hunt, Jeter, King of Madison, Logan, Lowe, McConnell, Merrifield, Miller, Montgomery, Peden, Peyton, Schoonover, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tanner, Usry, Weir, Wheeler, and Wood—36.

So the report was concurred in.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 41, repealing the 77th section of an act entitled, "an act defining misdemeanors, and prescribing the punishment therefor," report the same back and recommend its indefinite postponement,

Which report was concurred in.

The bill was indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 60, entitled "A bill concerning conveyances and other writings, and the sealing thereof," have had the same under consideration, and have instructed me to report the same back with the accompanying amendment thereto, and so amended to recommend its passage.

Amend by adding the following section:

SEC. 2. And all conveyances and other writings at any time heretofore executed, for the transfer of property within this State, in which a scroll has been employed as and for a seal, shall have the same force and effect, and be of the same validity as if they had been sealed with wax; and all copies, duly authenticated, from the records thereof, shall have the same effect and be regarded as of the same validity, to all intents and purposes, as if the same had been regularly sealed.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 62, entitled, "A bill to authorize master commissioners to take acknowledgments of deeds," &c., have had the same under advisement, and have instructed me to report the same back to the House and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

The following message was received from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof:

No. 11. A bill to amend the 303d section of an act, entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Also,

Bill No. 29. A bill to amend an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State.

Mr. Clark of Rush, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 81, a bill to repeal the 10th section of the act providing for courts of conciliation, approved June 11, 1852, have had the same under consideration, and directed me to report the same back to the House and recommend that all be stricken out of said bill after the enacting clause, and the following be inserted, to-wit:

"That an act entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of the judges thereof, approved June 11th, 1852, be and the same is hereby repealed, and all courts established under the same abolished," and after said amendment is adopted, that said bill do pass.

The question being on concurring in the report:

Messrs. Wilson and Trusler demanded the ayes any noes

Those who voted in the affirmative were,

Messrs. Bartholomew, Branham, Buchanan, Buskirk, Clark of Rush, Clark of Tippecanoe, Dunn, Ellis, Gwinn, Hall of Laporte, Hervey, Hillyer, King of Johnson, McFarland, Malick, Meredith, Newcomb, Sidwell, Sims, Shanks, Shryock, Sturgis, Tackett, Test, Trusler, Wilson, Wheeler, Wood, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Brothwell, Cain, Carnahan, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Essex, Gilham, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Merrifield, Miller, Montgomery, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Turner, Usry, Weir, and Williamson—55.

So the report of the committee was not concurred in.

Mr. Humphreys moved to lay the bill upon the table.

The ayes and noes were demanded by Messrs. Studabaker and Smith of Perry.

Those who voted in the affirmative were,

Messrs. Alden, Burnett, Carnahan, Clark of Steuben, Crozier, Essex, Gifford, Hall of Laporte, Hargrove, Hudson, Huffstetter, Hume, Humphreys, Jeter, Landers, Lewis, Lowe, McMurry, Miller, Montgomery, Peden, Peyton, Schoonover, Shull, Smith of Perry, Spotswood, Tanner, Usry, Weir, Williamson, and Wood—31.

Those who voted in the negative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Davis, Dickerson, Dunn, Ellis, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hillyer, Hunt, King of Madison, King of Johnson, Logan, McConnell, McCord, McClure, McFarland, Malick, Martin, Meredith, Merrifield, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tackett, Test, Trusler, Wilson, Wheeler, and Mr. Speaker—52.

So the bill was not laid upon the table.

The bill was then ordered to be engrossed.

On motion by Mr. Murray,

Leave of absence was granted to Mr. Cotton on account of sickness.

On motion by Mr. Hardin,

Leave of absence was granted Mr. Monks till Tuesday next, on account of sickness in his family.

Mr. Hester, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 67, entitled "A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed," have had the same under consideration, and have directed me to report it back with the following amendments, after the adoption of which they recommend its passage:

Add at the end of section 2d the following: "And he shall issue a summons for, and compel by attachment, the attendance at the trial hereinafter mentioned, of such witnesses as may be demanded by either party, under the same regulations as govern criminal prosecutions in justices' courts."

Add to the end of section 3d the following: "And in granting changes of venue, continuances, and the conduct of such proceedings generally, such justice shall be governed by the practice by law regulating his criminal jurisdiction, when not inconsistent herewith." Strike out "three" in the twelfth and fourteenth lines of the sixth section, and insert "five."

The amendments were adopted, and the bill ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill, No. 33, entitled "A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas in cases of riot," have had the same under consideration, and have instructed me to report the same back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Hester, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill, No. 79, entitled "A bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintenance," have had the same under consideration, and

have directed me to report the same back with the following amendments, after the adoption of which they recommend its passage:

1st. Amend section 1st by inserting after the word "thereto" of the 10th line thereof, the following: "the amount of such proposed loan and."

2d. Amend section 2d by inserting after the word "foreclosure" in the 14th line thereof, the following: "nor until such guardian shall have given bond, payable to the State of Indiana, in penalty double the amount of such proposed loan, with surety to be approved by the court, conditioned for the faithful discharge of his duty under such order, and the proper accounting for the money which may be borrowed in pursuance thereto."

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Lowe moved to adjourn,
Which motion did not prevail.

Mr. Wilson, from the committee on education, made the following report :

MR. SPEAKER:

The committee on education, to whom was referred Senate bill No. 36, entitled "An act to amend sections 29, 30 and 31, of an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to provide for the distribution of the school fund in 1855," have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill was ordered to be engrossed.

Mr. Branham, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER:

The committee to whom was referred resolution No. 4, in regard to cheap ocean postage, have had the same under consideration, and have directed me to report the following joint resolution:

No. 5. A joint resolution in relation to cheap ocean postage.
Which was read a first time and passed to a second reading.

Mr. Buchanan, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER:

The committee to whom was referred resolution No. 19, instruct-

ing them to inquire into the expediency of so amending the law regulating railroads as to compel railroad companies to erect and keep up sign boards at their crossings of each turnpike road, highway, and townway, have had the same under consideration, and a majority of them have instructed me to report the following bill:

No. 124. A bill requiring railroad companies to procure a bell for each locomotive running on their road; also requiring railroad companies to erect and keep up sign boards at their crossings of each township highway, and townway in this State, and providing penalties for a failure to comply with the provisions of this act.

Which was read a first time and passed to a second reading.

Mr. McConnell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice to whom was referred Senate bill No. 30, entitled a bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, have had the same under consideration, and unanimously direct me to report said bill back, and recommend its passage.

Mr. Newcomb moved to re-commit the bill to the same committee, with instructions to inquire into its constitutionality,

Which motion prevailed.

Mr. McConnell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice to whom was referred Senate bill No. 35, with ordered amendment, and also to inquire into the expediency of so amending said bill as to include Pulaski county in the 12th judicial circuit, have had the same under consideration, and directed me to report said bill back with an amendment, and against the expediency of including said county of Pulaski in said circuit, and so recommend its passage.

SEC. —. That the counties of Henry, Wayne, Randolph and Jay, shall hereafter constitute a new circuit, to be called the thirteenth judicial circuit.

SEC. —. The continuance of the terms of court in the several counties of said thirteenth circuit shall be as follows, to-wit: in the counties of Randolph and Jay, the court shall sit two weeks if the business thereof require it. In the county of Henry three

weeks, if the business require, and in the county of Wayne four weeks; if the business thereof require it.

SEC. —. The terms of court in said counties shall commence as follows, to-wit: In the county of Wayne on the first Mondays in March and September in each year; in the county of Randolph on the fourth Mondays succeeding the commencement of the courts in the county of Wayne; in the county of Jay on the second Mondays succeeding the commencement of the courts in the county of Randolph; and in the county of Henry on the second Monday succeeding the commencement of the courts in the county of Jay.

SEC. —. All writs, recognizances, publications, orders of court, and process whatever, which now have or hereafter may issue in said counties are hereby made returnable to the first day of said courts, to be holden in virtue of this act.

The report was concurred in and the bill was ordered to be engrossed.

On motion by Mr. King of Johnson,
The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

Mr. Usry, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred Senate bill No. 28, have had the same under consideration, and I am directed by a majority of the committee to report the same back to the House and recommend its passage.

Mr. Smith of Perry, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries to whom was referred

House bill, No. 58, a bill to amend "An act regulating county auditors' fees," have had the same under consideration, and have directed me to report to the House that the Senate has passed a bill containing similar provisions, which is now before the House. The committee therefore recommend that the House bill be laid upon the table, and ask to be discharged from its further consideration. Which report was concurred in.

Joint resolution No. 2. A joint resolution in relation to the subject of slavery in the Territories of Kansas and Nebraska, Which was made the special for this day, Was taken from the table.

Mr. Studabaker moved to postpone the consideration until the 22d of February.

Messrs. Studabaker and Carnahan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Carnahan, Clark of Jasper, Crozier, Davis, Essex, Gordon, Hardin, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Humphreys, Hunt, King of Madison, King of Johnson, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir and Williamson—41.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Jeter, Malick, Mellett, Meredith, Merrifield, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—45.

So the consideration of the joint resolution was not postponed.

Mr. Stanton offered the following amendment:

And be it further Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their influence to prevent the admission of any more slave States into this Union.

Mr. Weir offered the following amendment to the amendment:

And provided further, That no more territory admitting the profitable existence of African slavery shall ever be acquired by the United States, and that already acquired shall, in all its municipal regulations, conform to northern opinion regardless of southern rights, the federal compact, and the peace and harmony of the Union.

Mr. Merrifield moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Messrs. Walpole and Merrifield,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazleton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hudson, Hume, Landers, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Tanner, Test, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Crozier, Clark of Jasper, Davis, Essex, Gordon, Hester, Huffstetter, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Shull, Smith of Perry, Studabaker, Sturgis, Usry, Walpole, Weir and Wheeler—31.

So the amendment to the amendment was laid upon the table.

Mr. Test moved to lay the amendment of Mr. Stanton on the table.

The question being on laying the amendment on the table,

Messrs. Stanton and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Brauham, Brothwell, Buchanan, Cain, Clark of Rush, Clark of Tippecanoe, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hall of Warren, Hardin, Harryman, Hervey, Humphreys, Landers, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Newcomb, Peckenpaugh, Sidwell, Sims, Shryock, Spotswood, Tanner, Test, Todd, Trusler, Wilson and Wood—39. 38

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Buskirk, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Union, Crozier, Davis, Essex, Gordon, Hadsell, Hester, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, Lowe, McClure, Martin, Mellett, Miller, Montgomery, Peden, Peyton, San

ford, Schonover, Shanks, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Turner, Usry, Walpole, Weir, Williamson, Wheeler and Mr. Speaker—48.

So the amendment was not laid on the table.

Mr. Stanton asked leave to withdraw the amendment,
Which was granted.

Mr. Walpole renewed the amendment, "And be it further resolved that our Senators in Congress be instructed and our Representatives requested to use their influence to prevent the admission of any more slave States into the Union."

Mr. Meredith moved to lay the amendment upon the table.

The ayes and noes being demanded by Messrs. Carnahan and Hester,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Buskirk, Carnahan, Clark of Jasper, Crozier, Davis, Essex, Hargrove, Hester, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, Lowe, McClure, McFarland, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson and Wheeler—36.

So the amendment was laid on the table.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, McCord, Malick, Mellett, Meredith, Merrifield, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Crozier, Davis, Essex, Gordon, Hardin, Hargrove, Hester, Hudson, Huffstetter, Humc, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson, and Wheeler—40.

So the joint resolution did not pass for want of a constitutional majority.

BILLS INTRODUCED.

Mr. Test introduced

Bill No. 125. A bill in relation to the practice and pleading in civil cases in the Circuit and Common Pleas Courts.

Which was read a first time and passed to a second reading.

Mr. Peckenpaugh introduced

Bill No. 126. A bill to repeal the first, eleventh, and twelfth sections of an act entitled "an act to exempt property from sale in certain cases," approved February 17th, 1852, and to provide for the exemption of property from sale upon execution to the amount of an hundred and twenty-five dollars.

Which was read a first time and passed to a second reading.

Mr. Trusler introduced

Bill No. 127. A bill to amend the five hundred and ninety-sixth section of chapter first and article twenty-ninth of the revised statutes of 1852, and entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which was read a first time and passed to a second reading.

Mr. Studabaker introduced

Bill No. 128. A bill to repeal section seven of an act, entitled "an act to provide for the election and prescribing certain duties of Recorders," approved May 31st, 1852; also to provide who shall keep a record of marks and brands.

Which was read a first time and passed to a second reading.

Mr. Williamson introduced

Bill No. 129. A bill to provide for the discovery of the cause, and remedy for the disease commonly known as milk sickness. Which was read a first time and passed to a second reading.

On motion by Mr. Walpole.
The House adjourned till to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
FEBRUARY 2, 1855. }

House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hardin,

A Petition from sundry citizens of Vanderburg county, on the subject of temperance;

Mr. Hardin moved to refer this petition, together with a similar one, read on yesterday, to the committee on temperance,
Which motion prevailed.

By Mr. Hillyer,

A petition from sundry property holders of New Albany, on the subject of insurance companies;

On motion by Mr. Hillyer,
The petition was referred to the committee on corporations.

By Mr. McFarland,

A petition from sundry citizens of Shelby county, on the subject of insurance companies;

On motion by Mr. McFarland,
The petition was referred to the committee on corporations.

By Mr. Sturgis,

A petition from sundry citizens of Fort Wayne, on the subject of insurance companies;

On motion by Mr. Sturgis,

The petition was referred to the committee on corporations.

By Mr. Smith of Perry,

A petition from sundry citizens and business men of Cannelton and Perry county, on the subject of insurance companies;

On motion by Mr. Smith of Perry,

The petition was referred to the committee on corporations.

By Mr. Hudson,

A claim from Mr. Thomas Shannon, for work and labor done on the Wabash and Erie canal;

On motion by Mr. Hudson,

The claim was referred to the committee on claims.

By Mr. Newcomb,

From Edmond O. Hovey, executor of the estate of Horace E. Carter, deceased, in relation to "Carter's Reports;"

Which was,

On motion by Mr. Newcomb,

Referred to the committee on ways and means.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to return to the Senate, House bill No. 11, in order that the title to such bill may be amended, to conform to the requirements of the constitution.

In which the concurrence of the House is respectfully requested. Mr. Smith of Perry, moved that the House concur in the resolution of the Senate,

Which motion prevailed.

On motion by Mr. Smith of Perry,

The bill was returned to the Senate, as requested.

By Mr. Spottswood,

Five petitions from sundry citizens of Vermillion county, on the subject of a change in the constitution so as to withhold from the foreign immigrant the right of suffrage, until he shall have become a citizen of the United States, in accordance with the laws of the general government.

Mr. Spottswood moved that the petitions be referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Hillyer moved to refer the petitions to the committee on the judiciary.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of Tippecanoe county, praying for the passage of a law authorizing "husband and wife, jointly to make a will, under seal if they desire, which shall be a final settlement of the estate, &c.; and also providing by law, a place for the safe keeping of wills, &c.," have had the same under consideration, and have directed me to report that, in the opinion of your committee, it is inexpedient to legislate thereon, and ask to be discharged from further consideration of the subject.

The report was concurred in.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 72, "a bill to facilitate suits against the estates of foreign decedents, having no personal representative in this State," have had the same under consideration, and have directed me to report the same back to the House and recommend its indefinite postponement;

The report was concurred in, and the bill indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 64, "A bill prescribing the manner of impanneling petit jurors, the number thereof, and repealing certain acts therein named," have had the same under consideration, and direct me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Harryman, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of John Gobin, for forty dollars expenses incurred in arresting James Dustin, a fugitive from justice, have had the same under consideration, and beg leave to report favorable, and recommend that the same be allowed, and that the committee on ways and means include the same in the specific appropriation bill.

The report was concurred in.

Mr. Ellis, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of D. C. Thomas for one hundred and ten dollars, for services rendered and money expended by him for the apprehension and conviction of two horse thieves, Langford and Barret; the committee have carefully investigated his claim, and are unanimously of the opinion that the labor performed and money expended by D. C. Thomas is fully adequate to the sum claimed, and have directed me to submit the following resolution:

Resolved, That the committee on ways and means are hereby directed to incorporate into the specific appropriation bill an allowance to D. C. Thomas, of one hundred and ten dollars, which shall be his compensation in full for said services.

The committee unanimously recommend the adoption of the foregoing resolution, and ask to be discharged from the further consideration of this subject.

The report was concurred in, and the resolution adopted.

Mr. Hadsell, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Eden H. Davis, of Shelby county, for ten dollars, for services rendered by him as prosecuting attorney in prosecuting the pleas of the State at the October term thereof, have had the same under consideration, and have directed me to report that the claim is in their opinion a just one, and recommend its allowance, and the committee be discharged from the further consideration of the subject.

The report was concurred in.

When,

On motion by M. Walpole,

The claim was referred to the committee on claims.

Mr. Logan, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition and claim of Charles Wade, who represents "that he paid the amount of forty-two dollars and fifty cents, as expenses incidental to the arrest of H. A. Meyer, *alias* Augustus H. Sander, at Cincinnati, Ohio, for grand larceny committed in Evansville, Indiana," have had the same under consideration, and the committee recommend that the committee on ways and means incorporate into the specific appropriation bill the sum of forty-two dollars and fifty cents, as a compensation in full to the said Charles Wade, and the committee ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Dickerson, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 63, "A bill to repeal the 5th section of an act therein named," have had the same under consideration, and beg leave to report the same back without amendment, and respectfully recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Beach, from the committee on scientific and benevolent institutions, made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, having

visited the institution for educating the deaf and dumb, beg leave to submit the following report, as the result of their examination :

There are now at the institution about one hundred and forty-five pupils, who are receiving an intellectual, moral and industrial education, that will enable them, notwithstanding their unfortunate condition, to act well their parts on the great theater of life. In the industrial department, the institution is prepared to instruct its pupils in farming, gardening, tailoring, coopering and shoe-making. In the two last named branches of mechanical industry, the committee had an opportunity of witnessing the proficiency acquired by the pupils, which is creditable to the institution. The committee would also bear cheerful testimony to the order and neatness which are observable in all the departments; and also to the efficient manner in which the superintendent, teachers and all other officers, discharge their various duties.

The finances of the institution, are in a prosperous condition. At the close of the last financial year, there remained in the hands of the treasurer, an unexpended balance of \$2,921 93. There will be needed for the current expenses of the institution, as per estimate of the superintendent :

From Nov. 1, 1854, to April 1, 1855,..... \$5,000

From April 1, 1855, to April 1, 1856,..... 20,000

From April 1, 1856, to April 1, 1857,..... 20,500

For which sums the committee would respectfully recommend appropriations. The financial year, as the House is aware, terminates on the 31st day of October, leaving a hiatus of several months until the appropriation bills are passed and in force, unprovided for. Hence the necessity of a change, as above, to the first of April. The committee recommend an appropriation of \$2,500 for the ensuing year, for lighting the Institution with gas. They are convinced that such an appropriation is needed as a matter of economy.

Which report was, on motion, referred to the committee on ways and means.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined "engrossed House bills" Nos. 3, 8, 52, 80, and 83, and compared them with the original copies thereof, and find that they have been eorrectly engrossed.

Mr. Test moved that the committee on engrossed bills report to the Clerk,

Which motion prevailed.

Mr. Martin, from the committee on enrolled bills, made the following report ;

MR. SPEAKER:

The committee on enrolled bills have examined enrolled bill of the House No. 29, with the engrossed copy thereof and find the same correctly enrolled.

Which was concurred in.

RESOLUTIONS INTRODUCED.

On motion by Mr. Branham,

Resolved, That the committee on ways and means be instructed to enquire into the expediency of extending the time of settlement of the county treasurer for taxes with the Treasurer of State until the 3d Monday in September next, for the year 1854.

On motion by Mr. Gifford,

Resolved, That the committee on fees and salaries are hereby requested to enquire into the expediency of framing a law so that the compensation of the Auditor, Treasurer, and Secretary of State, exclusive of necessary expenses, shall not exceed the sum of \$3000 each per annum, and to further provide that said officers shall report the amount of fees received by each and after deducting officers expenses the balance to be distributed for the benefit of common schools according to law.

On motion by Mr. Hall of Warren,

Resolved, That the committee on ways and means enquire into the expediency of extending the time of the collection of the revenue of the State, now due, so that the people can avail themselves with means to pay their tax by the avails of a new crop; and also, into the expediency of repealing so much of said act as requires the several collectors to collect damages where payment is not made in due time, with leave to report by bill or otherwise.

On motion by Mr. King of Johnson,

Resolved, That the committee on corporations be instructed to examine into the propriety of so amending the law providing for the incorporation of bridge companies, plank and McAdamized road companies, &c., so that they cannot collect toll when such bridges, roads, &c., are not kept in good repair, and that they report by bill or otherwise.

Mr. Hervey offered the following preamble and resolution :

WHEREAS, The members of this House are cold water men, believing it to be natures most invigorating beverage; **AND WHEREAS**, the pump to the well of this House is out of order, making it necessary to carry it for some distance;

Therefore be it Resolved, That the doorkeeper is hereby authorized to make the necessary repairs, so that we may drink freely, without taxing his labor too highly.

Which was adopted.

Mr. Hardin gave notice that on to-morrow he would offer the following amendment to the rules of the House:

No. —. That the standing rules of this House be so changed as to provide for the appointment of a committee on federal relations.

Mr. Clark of Steuben offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill to this House, making it a penal offense, punishable with fine and imprisonment, for any person as near allied by the ties of consanguinity as first or second cousin, to contract marriage.

Mr. Meredith moved to lay the resolution on the table,
Which motion prevailed.

Mr. Brazelton offered the following preamble and resolution:

WHEREAS, The "Daily Dispatch," published in this city, has exhibited great moral courage and independence in certain strictures upon the conduct of members of this House, and in the publication of a series of articles entitled "chronicles," therefore,

Resolved, That three copies of said paper be laid upon the desks of the members of this House daily, two of which shall be enveloped ready for mailing, and that the doorkeeper is hereby instructed to contract for the same.

Which was not adopted.

On motion by Mr. Shull,

Resolved, That the doorkeeper make inquiry after the 1,000 copies of the Governor's message, ordered to be printed in the German language, and if found, that they be placed in the stationery room for the use of the members of this House, if not found that he order the State printer to furnish the said 1,000 copies immediately.

Mr. King of Madison offered the following resolution:

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the 70th section of the assessment law, so as to require the several as-

sessors of this State to make returns to the county auditor in the manner and form set forth in said section, on or before the first Monday in May, of each year, instead of the first day of June, with leave to report by bill or otherwise.

Mr. Buskirk moved to amend by striking out "county and township business," in the reference, and insert "ways and means."

On motion,

The resolution was laid upon the table.

Mr. Gordon offered the following preamble and resolutions:

WHEREAS, In the different counties of this State, a tax was levied for school purposes in accordance with the law enacted for that purpose; **AND WHEREAS**, the officers elected for that purpose did proceed in good faith, and in accordance with the law, enacted for that purpose, to collect a tax and did collect tax from a part of the citizens; **AND WHEREAS**, the supreme court did declare said law unconstitutional, thereby preventing the said officers from collecting a tax from those who had not paid, and there being no law by which those having paid such tax, can recover the same back, therefore

Resolved, That the committee on education be requested to report a bill so as to allow all persons who have paid a tax for school purposes in 1854, to have a credit for the same, to be deducted from their tax for the year 1855.

Which resolution was not adopted.

Mr. Martin offered the following resolution:

Resolved, That the committee on fees and salaries inquire into the expediency of making an additional compensation to such agents as has been appointed by the Governor, to perform the duties of county treasurer, in relation to the sale of swamp lands.

Which was not adopted.

Mr. Ellis introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending section 1st of chapter 26 of the revised statutes as to vest the sole power of appointing the trustees of the several benevolent institutions of this city in his Excellency the Governor,

Which was not adopted.

On motion by Mr. McFarland,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law "providing

for and regulating the relation of master and apprentice," as to provide for the binding or indenting of poor minor children to suitable persons as children by adoption, with all the rights and privileges of other children, and report by bill or otherwise.

JOINT RESOLUTIONS INTRODUCED.

Mr. Sanford introduced

Joint resolution No. 6. A joint resolution relative to amending the constitution of the United States, so as to require the election of the President and Vice President by a direct vote of the people. Which was read a first time and passed to a second reading.

Mr. Turner introduced

Joint resolution No. 7. A joint resolution against the renewal of certain patents,

Which was read a first time.

Mr. Test moved to suspend the rules, that the joint resolution be read a second time.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Herve, Jeter, King of Johnson, Lowe, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Newcomb, Peckenpaugh, Sanford, Sims, Shanks, Smith of Lagrange, Spotswood, Stanton, Sturgis, Tackett, Test, Todd, Trusler, Turner, Wood, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Crozier, Davis, Gordon, Hargrove, Hume, Humphreys, Hunt, King of Madison, Landers, Lewis, Logan, Montgomery, Peyton, Shull, Smith of Perry, Studabaker, Tanner, Walpole, Weir, and Williamson—24.

So the rules were suspended.

The joint resolution was then read a second time.

Mr. Test then moved to suspend the rules and that the joint resolution be considered as engrossed and read a third time.

The question being put,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Dunn, Ellis, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peyton, Peden, Sanford, Schoonover, Sidwell, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Test, Trusler, Turner, Walpole, Weir, Williamson, Wilson, Wood, and Mr. Speaker—80.

So the rules were suspended, the joint resolution was considered as engrossed and ordered to be read a third time.

The joint resolution was read a third time,

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Dunn, Ellis, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—83.

No member voted in the negative.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

BILLS INTRODUCED.

Mr. Sturgis introduced

Bill No. 130. A bill to save costs to minors, decedents estates,
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and others in reference to conveyances under judicial sales, and to repeal certain laws in reference thereto,

Which was read a first time and passed to a second reading.

Mr Smith of Perry introduced

Bill No. 131. A bill to amend sections 29 and 30, of an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and to provide for the counting of all the votes immediately after a general election.

Was read a first time and passed to a second reading.

Mr. Hall of Warrien introduced

Bill No. 132. A bill relative to the leasing and renting of lands from landlord to tenant,

Which was read a first time and passed to a second reading.

Mr. Dunn introduced

Bill No. 133. A bill in relation to what decisions of the supreme court the reporter is to publish,

Which was read a first time and passed to a second reading.

Mr. Hunt introduced

Bill No. 134. A bill to provide for the construction of drains from the land of one person over that of another, and the assessment and payment of damages occasioned thereby,

Which was read a first time and passed to a second reading.

Mr. Davis introduced

Bill No. 135. A bill to prohibit the selling, giving or vending of playing cards,

Which was read a first time and passed to a second reading.

Mr. Hillyer introduced

Bill No. 136. An act to enable cities which have subscribed for stock in incorporated companies, to construct works of public utility, under the 96th section of the general act for the incorporation of cities, to ratify the same,

Which was read a first time and passed to a second reading.

Mr. Dunn introduced

Bill No. 137. A bill in relation to the subscription to the stock

of any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced,

Which was read a first time and passed to a second reading.

Mr. Dunn obtained leave and introduced the following resolution:

Resolved, That the State printer be directed to print for the use of the House, two hundred copies of the opinion of the supreme court delivered on the petition for a re-hearing in the school tax case, the same having been ordered to be printed by the Senate,

Which was adopted.

Mr. Gordon obtained leave and offered the following preamble and resolution:

WHEREAS, This House did, by resolution, order three copies of each of the following papers, to-wit: the Daily Indiana State Sentinel, the Indianapolis Daily Journal, and Daily Evening Republican to be furnished to each member of this House during this session; **AND WHEREAS**, one of said papers has been furnished this House in half numbers, and others are found to be of the same date as those received the day previous of the same paper, Therefore

Resolved, That any paper furnished this House by order thereof, and failing to comply with the spirit and intent of such order so made, such paper so violating shall be stricken from the list of papers taken by this House, and that the contract made for such paper be declared void,

Which resolution was adopted.

Mr. Hudson moved to take from the table,

House bill No. 93. A bill to amend an act entitled an act to authorize and regulate the business of general banking,

Which motion prevailed.

Mr. Hudson then moved to make it the special order of the day for Thursday next, at 10 o'clock, A. M.

Mr. Test moved to amend by making the bill the special order of the day for Monday next, at 2 o'clock, P. M.

The question being, on postponing the bill till Thursday next, It did not prevail.

The question then being on Mr. Test's motion, to postpone the bill till Monday next, at 2 o'clock, P. M.,

It did prevail.

Mr. Newcomb moved to suspend the rules to allow him to introduce a resolution,

Which motion prevailed.

Mr. Newcomb obtained leave and introduced the following resolution:

Resolved, That after Tuesday next, this House will hold night sessions.

Mr. Sturgis moved to amend the resolution so as to make it Tuesday a week.

Which did not prevail.

On motion by Mr. Carnahan,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

The resolution of Mr. Newcomb in reference to night sessions being in order,

The question then being upon the adoption of the resolution offered by Mr. Newcomb,

Mr. Carnahan moved to lay it upon the table,

Which motion prevailed.

On motion by Mr. Test,

Resolved, That on each day hereafter the House proceed to take up the orders of the day at 2 o'clock P. M., unless sooner reached in the regular order of business.

Senate Bills on Second Reading.

Senate bill No. 39. A bill to regulate the crossing of public highways and private roads by railroads,

Was read a second time.

The question being on committing the bill to the committee on roads with the following instructions: "all actions and rights of action under former laws, shall be vested and maintained as if this act was not enacted,"

Mr. Meredith moved to change the reference, to the committee on corporations,

Mr. Test moved to lay the instructions and amendment on the table,

Which motion prevailed.

Mr. Walpole then offered the following amendment to the bill:

But nothing in this act shall be so construed as to divest any individual or township of a right of action which enured under previous laws against railroad companies for obstructing any highway, but such person or township, or trustee of township, may prosecute their action the same as if this act had not been enacted.

Mr. Buskirk, moved to commit the bill to the committee on the judiciary, with the following instructions :

1st. To inquire whether the 25th section of chapter 102 of the revised statutes of 1852, does not extend to artificial persons as well as natural persons.

2nd. It said section includes artificial persons, is not this bill unconstitutional, in attempting to amend said section without setting it out.

3d. To make this bill extend to natural and artificial persons alike.

Which motion prevailed.

The following message was received from the Governor, by Mr. King, executive messenger :

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, to-wit :

No. 29. An act to amend an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which bill originated in the House of Representatives.

No. 40. A bill providing for extending the terms of Circuit Courts by adjournment, when the pending business shall be unfinished,

Was read a second time,

Mr. Smith of Perry, offered the following amendment :

Amend section 1st as follows :

Insert after the word "county" in the second line these words : "or when it shall become necessary or proper for said court to adjourn from any cause."

Also, insert after the word "order" in the sixth line, these words : "of which public notice shall be given in some manner to be specified by said court, if deemed advisable."

On motion by Mr. Smith of Perry,

The bill and pending amendment were referred to the committee on the organization of courts of justice.

Senate bill No. 41. A bill providing for official notice of the time when the statutes of this State are in force,

Was read a second time, and passed to a third reading.

Senate bill No. 43. A bill to confirm the title of certain swamp lands,

Was read a second time,

Mr. Hillyer moved to refer the bill to the committee on the judiciary,

Which motion prevailed.

Senate bill No. 46. A bill in relation to plank and McAdamized, tram and gravel road companies,

Was read a second time, and

On motion by Mr. Buskirk,
Referred to the committee on corporations.

Senate bill No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their roads to other railroad companies and to authorize the lessees and vendees to hold and enjoy the same and acquire and perfect the title to the right of way,

Was read a second time, and

On motion by Mr. Buskirk,
Was referred to the committee on corporations.

House Bills on Third Reading.

No. 8. A bill to regulate the election of United States Senator.

Was read a third time, and

The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Dunn, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Perry, Smith of Lagrange, Spottswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Clark of Jasper, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter,

King of Madison, Landers, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Sturgis, Usry, and Weir—29.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No 3. A bill to prevent the desecration of the Sabbath;
Was read a third time.

Mr. Murray moved to lay the bill on the table,
Which motion did not prevail.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Crozier, Davis, Dunn, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Humphreys, Hunt, King of Madison, Landers, Lewis, Logan, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spottswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson, Wood and Mr. Speaker—78.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 52. A bill to prohibit profanity;
Was read a third time, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Humphreys, Hunt, King of Madison, Landers, Lewis, Logan, McCord, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry,

Spottswood, Stanton, Sturgis, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry Walpole, Weir, Wilson, Wood and Mr. Speaker—77.

Mr. King of Johnson, voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 80. A bill requiring written briefs to be filed in the Supreme Court,

Was read a third time, the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Essex, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Lillyer, Hudson, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Mellett, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Lagrange, Smith of Perry, Spottswood, Stanton, Sturgis, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wood and Mr. Speaker—75.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 83. A bill to amend an act, entitled "an act providing for the appointment of Notaries Public;"

Was read a third time, and the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shryock, Smith of Lagrange, Spottswood,

Stanton, Sturgis, Test, Thomas, Todd, Trusler, Turner, Walpole, Weir, Wood and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Hillyer, Humphreys, Landers, Newcomb, Peden, Smith of Perry, Tanner and Usry—8.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry, moved to reconsider the vote adopting the title of

Bill No. 80. A bill requiring written briefs to be filed in the supreme court.

Which motion prevailed.

Mr. Smith of Perry, moved to amend the title so as to read as follows:

“An act to provide for written briefs and oral arguments in the supreme court.”

Which motion prevailed.

The title, as amended, was adopted.

Ordered, That the Clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 35. A bill creating the 12th judicial circuit, providing for the election of a judge thereof, fixing the time of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein,

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, McCord, McMurry, Malick, Mellett, Merrifield, Meredith, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Crozier, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Schoonover, Shull, Smith of Perry, Sturgis, Tanner, Usry, Walpole, and Weir—27.

So the bill did not pass for want of a constitutional majority.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
February 3d, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Hunt,

The reading of the journal was dispensed with, and so adopted.

Mr. Shryock moved a call of the House.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Branham, Buchanan, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Davis, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, King of Johnson, Landers, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Thomas, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wood and Mr. Speaker—81.

On motion, the further call of the House was suspended.

Mr. Merrifield asked leave of absence for Mr. Sanford,
Which was granted.

Mr. Gilham asked leave of absence for Messrs. Ellis, Shanks and Studabaker,

Which was granted.

Mr. Sturgis asked leave of absence for Mr. Wheeler,

Which was granted.

Mr. Clark of Rush, asked leave of absence for Mr. Hardin,

Which was not granted.

Mr. Murray obtained leave and introduced the following resolution:

Resolved, That the committee on ways and means be authorized to employ an additional clerk,

Which was adopted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Meredith,

A petition from the ladies of Cambridge City, on the subject of temperance.

On motion by Mr. Meredith,

The petition was referred to a select committee, consisting of Messrs. Clark of Rush, McConnell, Smith of Perry, Malick and King of Johnson.

By Mr. Newcomb,

A petition from sundry citizens of Miami county, and also, from a committee on behalf of the North Indiana Conference of the M. E. Church, on the subject of the desecration of the Sabbath.

On motion by Mr. Newcomb,

The petition was laid on the table.

By Mr. Smith of Perry,

A petition from a committee on behalf of the last annual convention of the Protestant Episcopal Church, in the diocese of Indiana, held in the city of New Albany;

On motion by Mr. Smith of Perry,

The petition was referred to the committee on corporations.

By Mr. Carnahan,

A petition from sundry citizens and business men of New Harmony, Posey county, on the subject of insurance companies;

On motion by Mr. Carnahan,

The petition was referred to the committee on corporations.

By Mr. Bartholomew,

From the citizens of Porter county, asking the passage of a law to prohibit the desecration of the Sabbath;

Which,

On motion by Mr. Murray,

Was laid upon the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Logan, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition and claim of David Demaree in reclaiming Robert Hopkins, under a requisition of his excellency Joseph A. Wright, on the governor of Ohio, and Kentucky, indicted in the Decatur circuit court of Indiana, for grand larceny, have had the same under consideration and the committee recommend that the committee on ways and means incorporate into their specific appropriation bill, the sum of ninety-seven dollars, as a compensation in full to the said David Demaree, and the committee ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Hadsell, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Henry P. Thornton, for services rendered as prosecuting attorney, in the Harrison circuit court, under the appointment of the judge of said court, have directed me to report that they believe the same to be just, and as such, should be allowed, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and

On motion by Mr. Murray,

Was referred to the committee on ways and means.

Mr. Harryman, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Christopher Staser, for \$29 20, for services rendered and expenses incurred, in arresting Franklin Wilson, a fugitive from justice, in accordance with a requisition issued by his excellency the Gover-

nor, have had the same under consideration, and recommend that the same be allowed in the specific appropriation, by the committee on ways and means.

Which report was concurred in.

Which,

On motion by Mr. Humphreys,

Referred to the committee on ways and means.

Mr. Tackett, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a petition from sundry citizens of Shelby county, on the subject of improving the breed of horses, have had the same under consideration, and beg leave to report that it is inexpedient to legislate on the subject, and ask that the petition be laid upon the table.

Which report was concurred in.

Mr. Hardin, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Nathan Rowley, and other things connected therewith, have had the same under consideration, and instruct me to report the following bill:

No. 138. A bill for the relief of Nathan Rowley, of Vanderburg county;

The report was concurred in,

Was read a first time and passed to a second reading.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 60, 62, 63, and 81, and compared them with the original bills, and find that the same have been correctly engrossed.

BILLS INTRODUCED.

Mr. Huffstetter introduced

Bill No. 139. A bill fixing the time of holding the courts of common pleas, in the district composed of the counties of Orange, Washington, Harrison and Crawford;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties;
Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 141. A bill to reduce the width of the Michigan road;
Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 142. A bill to require county treasurers to collect from the clerks of the circuit and common pleas courts, and justices of the peace, in their respective counties, all unclaimed fines and fees;
Which was read a first time and passed to a second reading.

Mr. Shull introduced

Bill No. 143. A bill to extend the term of holding the circuit court in the county of Blackford;
Which was read a first time and passed to a second reading.

Mr. Hall of Laporte, moved to suspend the order of business and that the House take up a message from the Senate,
Which motion prevailed.

The following message from the Senate was received by Mr. Turinan, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 81. A bill to provide for the appointment of judges of the courts of common pleas in certain cases, and to provide their compensation.

No. 83. A bill declaring what a seal is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.

No. 95. A bill to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake,
In which the concurrence of the House is respectfully requested.

Senate bill No. 95. An act to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake,
Was read a first time.

Mr. Hall of Laporte, moved to suspend the rules so that the bill be read a second time,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Gorcon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Schoonover, Sims, Shryock, Shull, Smith of Lagrange, Spottswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Trueller, Turner, Usry, Weir, Williamson, and Wilson—70.

Mr. Walpole voted in the negative.

So the rules were suspended and the bill read a second time.

Mr. Test moved to suspend the rules so that the bill may be read a third time.

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, McCord, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Spottswood, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trueller, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood, and Mr. Speaker—71.

No one voting in the negative.

So the rules were suspended and the bill read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren,

Hardin, Hargrove, Harryman, Hervey, Illyer, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Löwe, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Smith of Lagrange, Stanton, Sturgis, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—73.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. McConnell, from the committee on the organization of courts of justice, obtained leave and made the following report :

MR. SPEAKER :

The committee on the organization of courts of justice to whom was referred House bill No. 77 have had the same under consideration, and direct me to report the same back, as amended, to the House, and recommend its passage :

No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto.

Mr. King of Johnson, offered the following amendment to said bill :

“In the 39th section strike out the word *first* and insert the word *third*.”

Mr. Huffstetter moved to lay the bill with the pending amendments on the table,

Which motion prevailed.

Senate Bills on First Reading.

No 81. A bill to provide for the appointment of Judges of the Courts of Common Pleas, in certain cases, and to provide their compensation,

Which was read a first time and passed to a second reading.

No. 83. A bill declaring what a seal is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws,

Which was read a first time and passed to a second reading.

Senate Bills on Third Reading.

No. 41. A bill providing for official notices of the time when the statutes of this State are in force,

Was read a third time,
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dunn, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellet, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood, and Mr. Speaker—75.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

House Bills on Second Reading.

No. 109. A bill relative to the salaries of public officers, and providing the manner of paying the same,

Was read a second time.

Mr. Buskirk moved to re-commit the bill to the committee on the judiciary, with the following instructions, namely: reconcile the conflict between sec. 2 of chap. 43, and sec. 2 of chap. 95, of vol. 1 of Revised Statutes, 1852;

Which motion did not prevail.

Mr. McConnell moved to amend by inserting \$2,500 in the blank, as the salary of the Governor.

Mr. Sidwell moved to insert \$3,500 instead of \$2,500.

The question being on the motion of Mr. Sidwell,
It was not adopted.

Mr. Newcomb moved to insert \$2,000 instead of \$2,500;
Which motion prevailed.

Mr. Hudson moved to strike out \$1,300 and insert \$1,800, as the salary of the supreme judges.

Mr. Shryock moved to insert \$1,500 instead of \$1,800.

The question being on striking out \$1,300 and inserting \$1,800.

Mr. Trusler moved to lay the bill and pending amendment on the table;

Which motion prevailed.

No. 84. A bill to provide that evidence of her having previous carnal connexion with other persons than the accused, and of particular acts and associations, indicating on the part of the prosecuting witness on charge of rape, or an assault and battery with an intent to commit a rape,

Was read a second time.

Mr. Newcomb offered the following amendment:

Add at the end of the bill, "Provided, that the defendant intending to introduce such evidence shall give at least three days' notice, in writing, to the prosecuting attorney, and the person on whom such offence is alledged to have been committed, of his intention to introduce such evidence."

On motion by Mr. Test,

The bill and amendment were referred to the committee on the judiciary.

No. 85. A bill to provide for enclosing and protecting the military grounds belonging to the State, at the Capital,

Was read a second time.

Mr. Newcomb offered the following amendment to the bill:

SEC. 3. That the fence on the north side of said grounds, being on New York street, erected under this act, shall be placed where the existing fence stands, being on a line continuously west with the fence on New York street, east of West street,

Which amendment was adopted.

Mr. Hardin moved to lay the bill and amendment upon the table.

Mr. Murray moved to refer to the committee on ways and means,

Which motion prevailed.

No. 86. A bill repealing section 5 of an act, entitled "An act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1853,

Was read a second time,

When,

On motion by Mr. Shryock,

The bill was referred to the committee on the judiciary.

No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto,

Mr. Smith of Perry moved to suspend the rules, and allow the bill to be read a second time by its title,

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Coen, Crozier, Davis, Gilham, Gwinn, Hadsell, Hall of Laporte, Hardin, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Schoonover, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Usry, Weir, Williamson, Wilson, Wood and Mr. Speaker—67.

Mr. Walpole voted in the negative.

So the rules were suspended, and the bill was then read a second time by its title.

Mr. Smith of Perry, offered the following amendment:

Amend the section concerning county treasurers' fees, by striking out the words seven, six, five, four, three, two, and one, when they relate to the per cent. to be charged, and insert in their place the following words: "eight, seven, six, five, four, three and two," making the section to read as in the act of 1853;

Which amendment was adopted.

Mr. Murray offered the following amendment:

Under the head of jurors' fees before justices of the peace, amend by striking out 75 cents per day, and insert 50 cents; also, amend witnesses fees before justices of the peace, strike out 75 and insert 50 cents;

Which was not adopted.

Mr. Usry offered the following amendment:

Amend the section providing for auditors' fees, by striking out the words "filing each paper, five cents;"

Which was not adopted.

Mr. Hillyer offered the following amendment:

Amend the section relative to mileage for conveying criminals to the State prison, by adding, except when the distance traveled is less than 50 miles, the mileage shall be 25 cents;

Which was not adopted.

Mr. Peden offered the following amendment:

County auditors shall receive fifteen cents per hundred words, for making out the tax duplicate, counting three figures as one word;

Which was not adopted.

Mr. Hudson moved to amend by striking out of section 11, the word "review" and insert the word "survey;"

Which was adopted.

Mr. Hudson moved to amend the 11th section by inserting the following:

For surveying each piece of land, over one acre and under 400 acres \$3.00, for each additional 100 acres 25 cents;

Which was not adopted.

Mr. Murray moved to make the bill and pending amendments the order of the day, for Wednesday next at 2 o'clock, P. M.;

The bill was not so postponed.

The question then being on the amendment of Mr. Hudson:

It was not adopted.

On motion by Mr. Gifford,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Murray moved a call of the House.

The following members answered the call:

Messrs. Alden, Bartholomew, Beach, Branham, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Rush, Coen, Crozier, Davis, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McFarland, McMurry, Malick, Martin, Mellet, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Tanner, Thomas, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—67.

The further call of the House suspended by consent

House bill No. 87, being under consideration at the adjournment, was taken up.

Mr. Weir offered the following amendment to the bill:

SEC. —. Clerks or sheriffs, whose fees exceed one thousand dollars per annum, shall not be entitled to any extra allowance out of the county treasury, and the county board, before making any allowance to either a clerk or a sheriff, require such officer to make oath to the amount of his fees for the year for which such allowance is sought to be made.

The ayes and noes being demanded by Messrs. Weir and Trusler.

Those who voted in the affirmative were,

Messrs. Alden, Carnahan, Crozier, Gwinn, Hall of Warren, Hargrove, Huffstetter, Hume, King of Madison, Landers, Lewis, Logan, Lowe, Miller, Newcomb, Peyton, Schoonover, Sidwell, Shull, Spotswood, Tanner, Thomas, Usry, Walpole, Weir, Williamson, and Wilson—26.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Coen, Davis, Dunn, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Harryman, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, Lemmon, McConnell, McCord, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Montgomery, Murray, Peckenpaugh, Peden, Sims, Shryock, Smith of Lagrange, Smith of Perry, Todd, Trusler, Turner, Wood and Mr. Speaker—46.

So the amendment was not adopted.

Mr. Hudson offered the following amendment:

“For every survey by him plainly bounded as the law directs, and for a plat of such survey after the delivering such plat, where the survey shall not exceed four hundred acres, \$3 00; for every hundred acres of land contained in one survey above four hundred acres, 25 cents.

Which amendment was adopted.

Mr. Meredith offered the following amendment:

Amend section concerning clerks' fees in relation to estates and guardianships, by inserting the words, to-wit—“filing each paper three cents.”

Which amendment was adopted.

Mr. McMurry moved to amend the 13th section of the bill as follows:

“Constables fees attending jury trial fifty cents.”

Which amendment was not adopted.

Mr. Sims offered the following amendment to the 7th section:

“For entering discharge of sinking fund mortgage, twenty-five cents; for entering discharge of trust fund mortgage, twenty-five cents; all other mortgages, twenty-five cents; making and certi-

fyng copies of field notes for each section, twenty-five cents; for each examination of records in their office, ten cents."

Which was not adopted.

Mr. Humphreys moved to amend as follows:

SEC. 13. Constables fees for every mile traveled in going and returning to serve process, six cents.

Which amendment was adopted.

Mr. Humphreys offered the following amendment: "Constables fees for every mile traveled in going and returning to serve process 6 cents,"

Which was adopted.

Mr. Clark of Rush, offered the following amendment: For clerk of circuit and common pleas courts, for each writ of habeas corpus issued in vacation 50 cents.

Which was adopted.

Mr. Clark of Rush, offered the following amendment:

Judges of Courts, for each order for writ of habeas corpus in vacation 50 cents; for examination, trial or order under the same per day \$3.00; For necessary travel in attending such trial per mile 6 cents. The fees for services pertaining to writs of habeas corpus shall be audited and paid by the proper offices of the county wherever the same were ordered or issued upon affidavit of the clerk or judge that the services charged were rendered.

Which amendment was not adopted.

Mr. Wilson moved to reconsider the vote on Mr. Weir's amendment,

Which motion prevailed.

The question then being upon the adoption of the amendment, It was not adopted.

Mr. Weir moved to recommit the bill and amendments to the committee on fees and salaries,

Which motion prevailed.

No. 88. A bill to amend chapter 101, section 14, as within entitled and set forth,

Was read a second time, and

On motion by Mr. McFarland,

The bill was referred to the committee on corporations.

Mr. Humphreys moved to reconsider the vote on recommitting "House bill No. 87, a bill regulating the fees of officers, and repealing former laws in relation thereto,"

Which motion prevailed.

The question then being on recommitting the bill to the committee, it was not so committed.

The bill was then ordered to be engrossed.

No. 89. A bill authorizing attachments in certain cases therein named, when the debt is not due,

Was read a second time, and

On motion by Mr. Smith of Perry,

The bill was referred to the committee on the judiciary.

On motion by Mr. Murray,

Mr. Smith of Perry was added to the committee on the judiciary.

House bill No. 90. A bill to amend sections 647 and 649 of article 36 of an act, entitled "an act to revise, simplify and abridge the rules, pleadings and practice, &c., in the Courts of this State, &c.,

Was read a second time, and ordered to be engrossed.

Mr. Smith of Perry, moved to take from the table

House bill No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing all former laws in reference thereto,

Which motion prevailed.

Mr. Smith, of Perry, then offered the following amendments:

Sec. 48. In the county of Laporte on the third Mondays in February, June, August, and December, and shall sit two weeks at each term, if the business require it.

Sec. 66. In the county of Porter on the Mondays succeeding the courts in the county of Laporte, and shall sit one week at each term of the business require it.

Sec. 45. In the county of Lake on the Mondays succeeding the courts in the county of Porter, and shall sit one week at each term if the business require it.

Sec. 58. In the county of Orange on the first Mondays in January, April, July and October, and shall two weeks at each term, if the business require it.

Sec. 87. In the county of Washington on the third Mondays of January, April, July and October, and shall sit two weeks if the business require it.

Sec. 31. In the county of Harrison on the first Mondays of February, May, August and November, and shall sit two weeks if the business shall require it.

Sec. 11. In the county of Crawford on the third Mondays in February, May, August and November, and shall sit one week at each term if the business shall require it.

Sec. 41. In the county of Johnson on the third Mondays in January, April, July and October, of each year, and shall sit two weeks at each term if the business require it.

Which amendments were adopted, and the bill ordered to be engrossed.

House bill No. 91. A bill to authorize suits against the State.
Was read a second time, and

On motion by Mr. Dunn,
The bill was referred to the committee on the judiciary.

House Joint Resolutions on Second Reading.

No. 4. A joint resolution upon the subject of lands, and increase of pensions for military services,

Was read a second time, and

On motion by Mr. Carnahan,
Referred to the committee on military affairs.

Mr. Shryock offered the following instructions:

"And the said Senators and Representatives use their influence to have engrafted into any bill that may be passed by Congress, a pension allowing to revolutionary soldiers and widows of officers and soldiers of the revolutionary war, back pay equal in amount per month to any increased pay per month that may be allowed to officers and soldiers of any of the wars of the United States."

Mr. Newcomb offered the following amendment to the instructions:

Amend by providing that the public lands and money in the treasury shall be divided away among all the people, and no more ever be collected.

Mr. Carnahan moved to lay the amendment to the instructions upon the table,

Which motion prevailed.

The instructions were then adopted.

No. 92. A bill to provide for the issuing of certificates in cases of the loss or casual destruction of outstanding State bonds, and of duplicates in cases of the loss or destruction of State certificates of stock,

Was read a second time.

Mr. Smith of Perry, moved to strike out the 2d section, and insert the following:

SEC. 2. Whenever it shall satisfactorily appear to the Governor, Auditor and Treasurer of State, that any of the bonds issued under the original bank charter, or any certificate of State stock issued by the State, and payable out of the revenues of the State, shall have been while outstanding casually destroyed, they may authorize the issue, to the lawful owner of such lost bond or certificate, a duplicate bond or certificate corresponding in date, numbers, amounts and in terms, with the bond or certificate so destroyed, but expressing on its face that the same is a duplicate bond or duplicate certificate; but no such duplicate shall be issued until all and every one of the requirements set out in the subsequent sections of this act shall have been fully complied with;

Which amendment was adopted.

Mr. Smith of Perry, moved to amend so as to strike out the word "lost" where it occurs, so that the bill shall provide only for the casual destruction of bonds or certificates,

Which amendment was adopted.

The bill was ordered to be engrossed.

No. 94. A bill to amend the 41st section of an act entitled "An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29th, 1852;

Was read a second time and ordered to be engrossed.

No. 95. A bill to provide for greater security of the funds of the State in the hands of the Agent of State,

Was read a second time.

Mr. Smith of Perry offered the following amendment:

"Strike out the words 'by mail,' where they occur, and insert the words 'by express.'"

Which amendment was adopted.

Mr. Meredith moved to refer to the committee on the judiciary,

Which motion prevailed.

No. 96. A bill to prohibit judges of the courts of common pleas from practicing law and to prohibit judges of such courts from forming or maintaining a partnership in the practice of the same, and to repeal the 40th section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14th, 1852,

Was read a second time.

On motion by Mr. Merrifield,

The bill was indefinitely postponed.

No. 97. A bill to provide for the listing of the stock and other property of railroad companies, and for the collection of taxes thereon,

Was read a second time, and

On motion by Mr. Smith of Perry,

Was referred to the committee on ways and means.

Mr. Newcomb moved to reconsider the vote indefinitely postponing House bill

No. 96. A bill to prohibit judges of the courts of common pleas from practicing law, and to prohibit judges of such courts from forming or maintaining partnerships in the practice of the same, and to repeal the 40th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852,

Which motion prevailed.

Mr. Hardin offered the following amendment:

Amend by inserting the following as an entire section, to be inserted next following section 1, of said bill.

SEC. 2. Any judge of the court of common pleas who may violate either of the foregoing prohibitions, shall be guilty of a misdemeanor and subject to indictment in the circuit court of the county where said act was committed; and shall, on conviction, be fined in any sum not less than ten dollars nor exceeding one hundred dollars, and it shall be the duty of such circuit court on the verdict of guilty, to render judgment thereon, and make it part of such judgment, that the office of the judge of the court of common pleas for the county or district that said judge was elected for, and then serving, to be vacant. And it shall be the duty of the clerk of the circuit court wherein said judgment was rendered, to immediately forward to the Governor a certified transcript of such findings, whereupon the Governor shall forthwith fill such vacancy by the appointment of a successor who shall continue to act as judge of the court of common pleas of the county or district where such vacancy occurred, and such appointee shall continue in office until his successor is duly elected and qualified.

On motion by Mr. Walpole,

The bill and amendment were referred to the judiciary committee.

On motion by Mr. Frazer,

The committee on education had leave to meet during the session this afternoon.

No. 98. A bill to amend section 21 of an act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1852,

Was read a second time, and,

On motion by Mr. Hargrove,

Was laid on the table.

No. 99. A bill to repeal section 59, revised statutes of 1852, vol. 1st, concerning the empanneling of petit jurors in the courts of common pleas, and to provide the manner of selecting such jurors in such cases.

Mr. Murray moved to lay the bill on the table,

Which motion prevailed.

No. 100. A bill to amend section 540 of chapter 1, of the Statute of 1852,

Was read a second time and ordered to be engrossed.

No. 101. A bill to amend the 21st section of article 4 of the constitution of the State of Indiana,

Was read a second time, and

On motion by Mr. Clark of Rush,

Referred to the committee on the judiciary.

No. 102. A bill to amend section 17 and part of 18 of an act incorporating the Lagro, Marion and Jonesboro plank road company,

Was read a second time, and

On motion by Mr. King of Johnson,
Referred to the committee on corporations.

No. 103. A bill to authorize executors and administrators to make deeds in certain cases,

Was read a second time.

On motion by Mr. Martin,
The bill was referred to the committee on the judiciary.

No. 104. A bill to amend the title of an act entitled "An act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, so as to mention therein the business of stock and exchange broker, in buying and selling stocks, bank notes, gold, silver, promissory notes and bills of exchange,

Was read a second time and ordered to be engrossed.

No. 105. A bill to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties," approved June 11, 1852,

Was read a second time and ordered to be engrossed.

No. 106. An act to repeal an act entitled "An act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof,"

Was read a second time and ordered to be engrossed.

No. 107. A bill in relation to the duties of prosecuting attorneys, and allowing docket fees in criminal causes in the supreme court,

Was read a second time and ordered to be engrossed.

Senate Bills on Second Reading.

No. 21. A bill to adjust the Gibson seminary township claim, and for quieting the title of Indiana university to the State university fund,

Was read a second time.

Mr. Peden moved to refer the bill to the committee on the judiciary.

Mr. Smith of Perry, moved to refer the bill to the committee on education,

Which motion did not prevail.

The question then being on referring the bill to the committee on the judiciary,

It was so referred.

Mr. Newcomb moved to instruct said committee to inquire into the point, whether the bill is not in conflict with section (5) five, of article ten, of the constitution of this State,

Which instructions were adopted.

House Bills on Second Reading.

No. 108. An act to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court,

Was read a second time and ordered to be engrossed.

No. 110. A bill to amend the thirty-second section of an act, entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852,

Was read a second time.

Mr. Clark of Rush, offered the following amendment:

Strike out all after the words "section 32," and insert the following:

If any person or persons, shall sell or purchase any lottery ticket, or tickets, or any share or shares, in any lottery or scheme for the division of property, of any kind or nature whatsoever, to be determined by chance, or shall make or draw any lottery, or scheme for a division of the property, not authorized by law, such person or persons, on conviction, shall be fined not less than five dollars, and not exceeding five hundred dollars for each offense, and any person concerned in any such transaction or sale, may be compelled to testify against any one, and all others, concerned therein, or connected therewith, but the person so testifying shall be exempt from fine or prosecution.

Mr. King of Johnson, moved to indefinitely postpone the amendment,

Which did not prevail.

Mr. Newcomb moved to amend the amendment as follows:

And any person who shall connect any gift enterprise with any concert or other public entertainment, shall be liable to the same penalty.

Mr. Trusler moved to refer the bill and pending amendments to the committee on the judiciary,

Which motion prevailed.

Mr. Gifford moved that the House adjourn,

Which motion did not prevail.

No. 111. A bill to amend an act in relation to county treasurers:

Was read a second time and ordered to be engrossed.

Mr. Newcomb moved that the House adjourn,

Which motion did not prevail.

No. 112. A bill requiring the clerk of the supreme court to tax against, and collect from the defendants in each of the cases

therein submitted, and determined in favor of this State, since the publication of the revised statutes thereof for the year 1852, or so submitted and hereafter determined in that behalf, a docket fee of ten dollars, for the benefit of the attorney prosecuting or defending such cases;

Was read a second time,

When,

On motion by Mr. Murray,

The bill was referred to the committee on the judiciary.

No. 113. A bill to provide for the erection of a house of refuge in the vicinity of Indianapolis;

Was read a second time,

Mr. Newcomb moved to strike out \$2,000 and insert \$4,000, in the 1st section,

Which did not prevail.

Mr. Shryock moved to strike out \$2,000 and insert \$3,000,

Which motion prevailed.

Mr. Walpole moved the bill be made the special order of the day for Tuesday next, at 2 o'clock, P. M.

Which motion prevailed.

No. 114. A bill to establish a State reform school for juvenile offenders at the house of refuge, in the vicinity of Indianapolis;

Was read a second time;

On motion by Mr. Beach,

The bill was made the special order of the day, for Tuesday next, at 2 o'clock, P. M.

On motion by Mr. Buskirk,

The House adjourned till Monday next, 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, }
FEBRUARY 5, 1855. }

House met pursuant to adjournment.

On motion by Mr. Carnahan,

The reading of the journal of Saturday was dispensed with, and it was so adopted.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Huffstetter,

A memorial from Mr. John W. Gillham, of Orange county, on the subject of the affairs of the State prison,

On motion by Mr. Huffstetter,

The memorial was referred to the committee on the affairs of the State prison.

By Mr. Meredith,

Upon the subject of the right of suffrage as extended to foreigners,

Which,

On motion by Mr. Meredith,

Was referred to a select committee consisting of Messrs. Meredith, Peden, and Landers.

By Mr. Todd,

A petition from sundry citizens of Hendricks county, on the subject of banks,

On motion by Mr. Todd,

The petition was referred to the select committee on banks.

By Mr. Gilham,

A petition from sundry citizens of Wells county, on the subject of temperance,

On motion by Mr. Gilham,

The petition was laid on the table.

By Mr. Frazer,

A petition from sundry citizens of Kosciusko county, on the subject of the desecration of the Sabbath,

On motion by Mr. Frazer,

The petition was laid on the table.

By Mr. Newcomb,

A claim from Messrs. Sheets and Braden,

On motion by Mr. Newcomb,

The claim was referred to the committee on claims.

By Mr. Frazer,

A petition from sundry citizens of Kosciusko county, on the subject of draining the swamp lands of said county,

On motion by Mr. Frazer,

The petition was referred to the committee on the rights and privileges of the inhabitants of the State.

REPORTS OF STANDING COMMITTEES.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed House bills Nos. 64 and 67, and Senate bill No. 36, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Smith of Perry, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 66, have had the same under consideration, and direct me to report the same back to the House with the following amendment as a substitute, and to submit it as amended to the consideration of the House,

No. 66. An act for the relief of Henry Wells, treasurer of the county of Lake:

WHEREAS, It has been shown to the General Assembly that on the 18th day of June, 1854, the treasurer's office of Lake county was feloniously entered, the safe broken open and upwards of thirty-five hundred dollars stolen therefrom, including nine hundred and fifty dollars collected by the said treasurer for the swamp land fund; AND WHEREAS, It has been shown that such loss was not occasioned by any negligence or want of care of the said treasurer;

Therefore, Be it enacted by the General Assembly of the State of Indiana, that Henry Wells, Treasurer of the county of Lake, be, and is hereby released and discharged from the payment of the said sum of nine hundred and fifty dollars received by him from the sale of swamp lands and feloniously abstracted as aforesaid, while in his possession.

Which report was concurred and the amendment adopted.

Mr. Murray moved to lay the bill on the table,

Which motion prevailed.

Mr. Schoonover, from the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs to whom was referred joint resolution No. 4, report that they have amended the same as instructed, and when so amended recommend its passage:

House joint resolution No. 4. A joint resolution upon the subject of lands and increase of pensions for military services.

The committee recommend the following amendment: Amend by inserting the following instructions: After the word "service" in the first resolution "and that the said Senators and Representatives use their influence to have ingrafted into any bill that may be passed by Congress a pension allowing to revolutionary soldiers and widows of officers and soldiers of the revolutionary war, back pay equal in amount per month to any increased pay per month that may be allowed to officers and soldiers of any of the wars of the United States."

The report was concurred in, and the amendment adopted.

Ordered, That the joint resolution be engrossed.

JOINT RESOLUTIONS INTRODUCED.

Mr. Gifford introduced

Joint resolution No. 8. A joint resolution in regard to the independence of Liberia,

Was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Humphreys introduced

Bill No. 144. A bill to compel State and county treasurers to receive the notes of the Free Banks for taxes,

Was read a first time and passed to a second reading.

Mr. Clark of Rush, introduced

Bill No. 145. A bill to legalize, confirm, and declare valid, all sales of real estate, all settlements of decedents estates, and any and all acts done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act passed during the thirty-seventh session of the General Assembly of the State of Indiana,

Which was read a first time and passed to a second reading.

House Bills on Second Reading.

No. 115. A bill to prevent extortion by railroad companies,
Was read a second time, and

On motion by Mr. Murray,
Was referred to the committee on corporations.

Senate Bills on Second Reading.

No. 18. A bill to repeal an act, entitled "an act to prevent railroad companies from changing their depots, except on the conditions therein named," approved March 4th, 1853,

Was read a second time, and

On motion by Mr. Hillyer,

Was referred to a select committee, consisting of Messrs. Hillyer, Fouts, Hardin, Branham, Meredith, and Clark of Rush.

No. 48. A bill to provide for the preservation of newspapers published in the several counties of the State of Indiana, in the office of the Auditor of each county, and to repeal an act, entitled "an act for the subscription to and preservation of the public newspapers printed in the several counties of this State," approved June 9th, 1852,

Was read a second time and passed to a third reading.

Senate Joint Resolutions on Second Reading.

No. 5. A joint resolution in relation to the election of United States Senators,

Was read a second time and passed to third reading.

No. 6. A joint resolution asking Congress to patent to the State of Indiana all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterward returned as swamp lands,

Was read a second time and passed to a third reading.

House Bills on Second Reading.

No. 117. A bill repealing "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and providing for the liquidation of banks operating under said act,

Was read a second time, and

On motion by Mr. Humphreys,

Was laid upon the table.

No. 118. A bill to provide for a site, system of Government, and plans for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders,

Was read a second time

Mr. Smith of Perry, moved to make the bill the special order of the day for 2 o'clock Tuesday next,
Which motion prevailed.

No. 119. A bill to provide for the punishment of persons interfering with trains on railroads,
Was read a second time, and
On motion by Mr. Murray,
Was referred to the committee on the judiciary.

No. 120. A bill to amend the 31st section of an act prescribing the duty of justices of the peace in criminal prosecutions, approved May 29th, 1852,
Was read a second time, and

On motion by Mr. Hervey,
The bill was referred to the committee on fees and salaries.

No. 121. A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location,

Was read a second time.

Mr. Murray moved to amend as follows:

Strike out "first Tuesday" and insert "second Tuesday," in the 1st section;

Which amendment was concurred in.

Mr. Smith of Perry, offered the following amendment:

Provided, That no election under the provisions of this act shall be ordered, until the petitioners or some of them have filed a bond with good and sufficient security, payable to the board of commissioners of such county, in the penal sum of fifteen thousand dollars, conditioned to defray all the expenses and cost necessary for providing new county buildings, and to indemnify and save said county harmless from all expense incident to such re-location of the county seat;

Which amendment was adopted.

On motion by Mr. Gifford,

The bill and pending amendments were referred to a select committee consisting of Messrs. Gifford, Smith of Perry, Wilson, Shryock and Earl.

No. 122. A bill to amend the 19th section of an act regarding estrays, and articles adrift, approved June 16th, 1852,
Was read a second time and ordered to be engrossed.

No. 123. An act to authorize courts to appoint counsel to defend poor persons arraigned on criminal charges, and to make compensation therefor, and also to assign assistant counsel to prose-

pute in criminal cases, and to allow compensation for such service to be paid out of the county treasury;

Was read a second time.

Mr. Sturgis offered to amend as follows:

Insert in the appropriate place, "that the accused shall have the privilege of choosing his own counsel;"

Which amendment was not adopted.

The bill was then ordered to be engrossed.

No. 124. A bill requiring railroad companies to procure a bell for each locomotive running on their road; also, requiring railroad companies to erect and keep up sign boards at the crossings of each turnpike, highway and townway in this State, and providing penalties for a failure to comply with the provisions of this act,

Was read a second time.

Mr. Meredith moved to refer the bill to the committee on corporations,

Which motion prevailed.

Mr. Hervey offered the following instructions:

That said committee provide for fingerboards inscribed as follows:

"Look out for the cars, or the engine, or whatever suitable inscription they may think best to afford the necessary notice to travelers;"

Which instructions were adopted.

No. 125. A bill in relation to the practice and pleading in civil cases in the circuit and common pleas courts,

Was read a second time, and

On motion by Mr. Trusler,

It was referred to the committee on the judiciary.

No. 126. A bill to repeal the first, eleventh and twelfth sections of an act entitled "An act to exempt property from sale in certain cases," approved February 17th, 1852, and to provide for the exemption of property from sale upon execution to the amount of one hundred and twenty-five dollars,

Was read a second time.

Mr. King of Johnson, moved to amend by inserting "\$500" instead of \$125.00.

Mr. Murray moved to indefinitely postpone the bill.

The question being on the indefinite postponement,

Messrs. Peckenpaugh and Landers demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brothwell, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Coen, Crozier, Dunn, Earl, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hume, Jeter, King of Johnson, King

of Madison, Logan, McConnell, McCord, Malick, Martin, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peden, Peyton, Sidwell, Shull, Smith of Lagrange, Sturgis, Tanner, Thomas, Trusler, Turner, Usry, Walpole, Weir, Wilson, Wood and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Davis, Hargrove, Huffstetter, Landers, Lewis, Peckenaugh, Schoonover, Sims and Spotswood—9.

So the bill was not postponed, for want of a quorum voting.

Mr. Peden moved a call of the House.

The clerk proceeded to call the roll when the following members answered to the call:

Messrs. Beach, Brothwell, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Coen, Crozier, Davis, Dunn, Earl, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, McConnell, McCord, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Sturgis, Tanner, Thomas, Trusler, Turner, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—65.

On motion by Mr. Meredith,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

The question being on the indefinite postponement of

* House bill No. 126. A bill to repeal the first, eleventh, and twelfth sections of an act to exempt property from sale in certain cases, approved February 17, 1852; and to provide for the exemption of property from sale upon execution, to the amount of one hundred and twenty-five dollars,

Those who voted in the affirmative w re.

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Burnett, Cain, Carnahan, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hudson, Hume, Hunt, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Logan, Lowe, McConnell, McCord, McFarland, Martin, Malick, Meredith, Mellett, Merrifield, Miller, Monks, Montgomery, Newcomb, Peden, Peyton, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamson, Wilson, Wood and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Clark of Tippecanoe, Gordon, Hillyer, Huffstetter, Lemmon, Lewis, Peckenpough, Schoonover and Spotswood—9.

So the bill was indefinitely postponed.

House bill No. 93. A bill to amend an act, entitled "an act to authorize and regulate the business of general banking," the consideration of which was made the special order of to-day, at 2 o'clock, P. M.

On motion by Mr. Buskirk,

The House went into committee of the whole,
Mr. Buskirk in the chair.

Mr. Buskirk, chairman of the committee of the whole House, made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 93, entitled, a bill to amend an act, entitled "an act to authorize and regulate the business of general banking," having had the same under consideration, have instructed me to report the same back to the House, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Test moved to strike out the bill from the enacting clause, and insert the following:

That the act entitled "an act to authorize the business of general banking, approved May 28th, 1852," be and the same is hereby repealed; reserving to the State, or to any person or persons, the right to sue and recover judgment for any claim against any individual or association, who have organized a bank or banks, under said act, the same as if it had not been repealed.

SEC. 2. A—— and B—— are hereby appointed bank receivers, who shall be sworn into office, to faithfully perform the duties required in this act, and give security in the sum of ——— thousand dollars; they shall establish an office in the city of Indianapolis, for the transaction of business confided to them.

SEC. 3. It is hereby made the duty of the Auditor to deliver to the bank receivers all the bonds and other property deposited in trust with him by individuals, associations or banks organized and doing business under the "act to authorize the business of general banking, approved May 28th, 1852." The Auditor shall on delivery of said bonds or other property make out a full statement in form of account current with each bank for the bank receivers, stating the total number, charter and amount canceled and delivered up in exchange for circulation returned, the total amount of bank paper delivered to each bank for circulation, and the amount of bank paper returned and canceled, also bank notes in sheets, plates, dies, or other materials belonging to such banking association, in his office, for which the Auditor shall take a receipt from the bank receivers, and file the same in his office.

SEC. 4. The bank receivers, so soon as they shall have received from the Auditor the bonds and other assets as specified in the 3d section, shall proceed without delay to close all banks that have heretofore refused to redeem their notes of circulation with coin when presented at the banking house where they are made payable, during banking hours; all banks that have not deposited with the Auditor stocks to the amount of \$50,000 or after having deposited that amount have withdrawn a part so as leave less than \$50,000, shall be put into liquidation. The bank receivers may with the consent of Governor, Auditor and Treasurer, or either of them, sell the bonds or assets of the defaulting banks at private sale, (without advertising,) either in the city of Indianapolis or in the eastern cities; or they may exchange bonds for the bills of the bank for whose security they may have been deposited, where the same banks hold bonds of more than one kind, and different value. the bonds of least value shall be first exchanged for returned notes. and in no case shall bonds be exchanged for a less amount of paper than the face of the bonds, or they may where they deem the bonds and other assets belonging to a bank insufficient to redeem the outstanding notes and other liabilities, make such compromise with the stock-holders as they believe will be for the interest of the billholder.

SEC. 5. The receivers shall, with the advice and consent of the Governor, Treasurer and Auditor, and not otherwise, commence suits against the stockholders in their individual capacity. where the assets of the corporation are insufficient to pay the liabilities.

SEC. 6. As soon as the receivers shall have converted all or any part of the bonds or their assets of a bank into money, they shall give notice in some newspaper printed in Indianapolis that

they will redeem the paper of the bank for whose benefit the bonds have been sold, the notes of said bank shall be paid, ratably with the amount realized from her assets, after deducting expenses of collecting.

SEC. 7. The bank receivers shall keep a book in which they shall charge themselves with all bonds sold, and of all money received from other sources, and credit themselves with the bank notes redeemed, and they shall as often as once a month, in the presence of the owner or agent of the bank, or the Governor, Treasurer, or Auditor, burn to ashes the paper thus redeemed, and a registry shall be kept of the same with a certificate of the party in whose presence they were burnt.

SEC. 8. The banks that have heretofore redeemed their notes with coin when presented, and in all respects complied with the law, shall have the right to close their own business and for that purpose be allowed until the 1st of May, 1857, during which time they shall report to the bank receivers the same as they have been heretofore required to report to the Auditor, and if at any time hereafter they should refuse to redeem their notes in coin, they shall be proceeded against the same as other insolvent banks. The presentation to the bank receivers of one or more of the notes of a bank that has been presented and protested during banking hours, will be sufficient evidence of the insolvency of such bank; and it shall be the duty of the bank receivers to take possession of her assets and put such bank into liquidation.

SEC. 9. The bank receivers created by this act shall hold the appointment for two years; *Provided*, they may be required so long. In case of a vacancy the Governor is empowered to fill the vacancy. The bank receivers shall be allowed for their services and expenses of every description — per cent. on the amount canceled for failing banks and — per cent. for canceling accounts for solvent banks.

SEC. 10. The bank receivers may at any time after they have reduced the whole amount of assets of a bank to cash, pay the money into the State treasury to be held there for the redemption of outstanding notes until the whole amount shall have been redeemed; at the end of two years the whole amount of money and judgments and effects of every description in the bank receivers' possession shall be transferred to the Treasurer of the State, to be held for the redemption of outstanding notes.

WHEREAS, The interest of the community demands that immediate measures be taken to wind up the insolvent banks and paying the holders of their issues in coin which may be made available, an emergency exists for the immediate taking effect of this act. It is, therefore, declared that this act shall take effect from and after its passage.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bills of the House:

Bill No. 38. A bill authorizing county agricultural societies to purchase and hold real estate.

Also,

Bill No. 40. A bill providing that no justice shall hear or determine any State prosecution for an assault and battery or assault, unless the injured party be present, or being summoned, refuses to attend, or when the summons for him is returned 'not found,' and that no trial shall be had in cases of affray, unless a witness thereof be present and testify upon such trial, or being summoned refuses to attend.

Also,

Bill No. 71. A bill to provide for the service of summons of a witness by copy.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed without amendment, engrossed joint resolution of the House,

No. 7. House joint resolution against the renewal of certain patents.

Mr. Thomas moved to indefinitely postpone the amendment of Mr. Test.

Mr. Walpole moved to lay the amendment on the table.

On motion by Mr. Hudson,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 6, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By the Speaker,

A petition from the ladies of Winchester, Randolph county, on the subject of temperance;

On motion by Mr. Turner,

The petition was laid on the table.

The Speaker laid before the House the following communication and accompanying report, from the agent of State:

OFFICE OF AGENT OF STATE, }
NEW YORK, January 4, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—Please lay before the body, over which you have the honor to preside, my official report.

Very respectfully,

Your obedient servant,

JOHN M. LORD,

Agent of State.

On motion by Mr. Buskirk,

The communication and report were referred to the committee on ways and means.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Lowe,

A petition from sundry citizens of Warrick county, on the subject of Insurance companies;

On motion by Mr. Lowe,

The petition was referred to the committee on corporations.

By Mr. McConnell,

A petition from sundry citizens of Daviess county, on the subject of school and township business;

On motion by Mr. McConnell,

The petition was referred to a select committee, consisting of Messrs. McConnell, Hillyer, Wilson, Buskirk and McCord.

By Mr. Lowe,

Against the principle of search, seizure and confiscation of liquors, and on the subject of temperance;

Which was,

On motion by Mr. Lowe,
Laid upon the table.

By Mr. Hadsell,

From sundry citizens of Indiana, praying a law to prohibit the manufacture and sale of ardent spirits;

Which was,

On motion by Mr. Hadsell,
Laid upon the table.

By Mr. Clark of Tippecanoe,

From the business men of Tippecanoe county, praying the enactment of a law—similar to that of the State of Ohio—prohibiting all insurance companies, not incorporated by the legislature of Indiana, from doing business in this State, until such company shall satisfy the Auditor of State that she has a capital of at least one hundred thousand dollars;

Which was,

On motion by Mr. Clark of Tippecanoe,
Referred to the committee on corporations.

The following message was received from the Senate by their Secretary, Mr. Turman:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following House bills without amendment:

No. 43. A bill to provide for the restoration and preservation of the records of the supreme court.

Also,

No. 46. A bill authorizing boards of trustees of high schools, academies, colleges and universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact their business under such common name

Mr. Test then presented several petitions from the members of the bar and sundry citizens of Wayne county, praying the proposed change in the seventh judicial circuit.

On motion by Mr. King of Johnson,
The order of business was suspended, and

Senate bill No. 35. A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the time of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein,

Was taken from the table, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, King of Johnson, Lowe, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Crozier, Davis, Essex, Gifford, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, McClure, McFarland, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Sturgis, Tanner, Usry, Walpole and Williamson—29.

So the bill passed.

Mr. Test moved to amend the title of the bill by striking out the words "A bill creating the twelfth judicial circuit, providing for the election of a judge thereof," and insert in lieu thereof these words: "An act creating the twelfth and thirteenth judicial circuits, providing for the election of judges thereof;"

Which motion prevailed.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Hudson moved to take up House bill,

No. 93. A bill to amend an act, entitled "An act to authorize and regulate the business of general banking;"

Which motion prevailed.

The question being on laying the amendment of Mr. Test on the table,

It was so ordered by consent.

Mr. Jeter offered the following amendment: "strike out section four and insert,

"SEC. 4. Such bank notes in blank so procured, or placed in the hands of the Auditor as aforesaid, shall be of the denominations usually issued by banks, from five dollars to one hundred dollars; but such notes shall not be of any intermediate number between five and ten dollars, ten and twenty dollars, twenty and fifty, or fifty and one hundred dollars;"

Which was not adopted.

Mr. Landers moved to amend section six by striking out "fifteen" and inserting "forty."

Mr. Newcomb offered to amend the amendment, as follows:

Amend line four of section six by striking out the word "forty" and inserting "twenty-five;"

Mr. Landers moved to lay the amendment to the amendment upon the table.

The question being put,

Messrs. Landers and Walpole demanded the ayes and noes.

Those who voted in the negative were,

Messrs. Burnett, Clark of Steuben, Dunn, Essex, Frazer, Gifford, Gilham, Gordon, Hardin, Hervey, Hillyer, Hudson, Hunt, Jeter, Landers, Lemmon, Lewis, Lowe, McCord, McClure, Mellett, Merrifield, Murray, Sanford, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Test, Turner, Walpole, Wilson, and Wood—33.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Earl, Ellis, Fouts, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Huffstetter, Hume, Humphreys, King of Johnson, Logan, McConnell, McFarland, McMurry, Mallick, Martin, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Usry, Williamson, and Mr. Speaker—59.

So the amendment to the amendment was not laid upon the table.

On motion by Mr. Branham,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

The question being at the adjournment on the adoption of Mr. Newcomb's amendment, to the amendment of Mr. Landers, to House bill No. 93. A bill to amend an act entitled an act to authorize and regulate the business of general banking.

Mr. Trusler moved to lay the amendments on the table.

The ayes and noes being demanded by Messrs. Wilson and Landers,

Those who voted in the affirmative were,

Messrs. Burnett, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Dunn, Earl, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Hillyer, Hudson, McCord, Merrifield, Murray, Sanford, Smith of Lagrange, Spotswood, Stanton, Sturgis, Test, Trusler, Wood and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Coen, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Gordon, Hall of Laporte, Harryman, Hervey, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Miller, Montgomery, Newcomb, Peckenpough, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Tackett, Tanner, Thomas, Todd, Turner, Usry, Walpole, Weir, Williamson, Wilson—61.

So the amendments were not laid upon the table.

The question then being upon the adoption of the amendment to the amendment,

It was adopted.

The question then being on the amendment, as amended,

Messrs. Frazer and Lowe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Union, Coen, Crozier, Dickerson, Earl, Ellis, Essex, Fouts, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Har

grove, Harryman, Hervey, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Newcomb, Peckem-paugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shryock, Shall, Smith of Perry, Tackett, Tanner, Thomas, Todd, Turner, Usry, Walpole, Weir, Williamson, Wilson, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Davis, Dunn, Frazer, Gifford, Gilham, Hillyer, Hudson, Landers, McCord, Merrifield, Murray, Sanford, Smith of Lagrange, Spotswood, Stanton, Sturgis, Test, Trusler, and Wood—22.

So the amendment was adopted.

Mr. Hillyer offered the following amendment :

Amend section 16, to read as follows—

“Whenever any association of persons formed under this act shall legally transfer to the Treasurer of State fifty thousand dollars worth of stocks or bonds, such as hereafter specified, such association, if the persons composing it be all *bona fide* residents of the State and *bona fide* owners of the stock, shall be entitled to receive from the said Auditor for every one hundred and fifteen dollars worth of stock or bonds thus deposited, only one hundred dollars in notes of different denominations, otherwise for every one hundred and twenty-five dollars of stocks or bonds thus deposited only one hundred dollars in notes of different denominations registered and countersigned as aforesaid to be used by them in the usual course of banking business as money.”

The amendment was adopted.

Mr. Murray offered the following amendment to the amendment of Mr. Hillyer :

Add to the 6th section: “*Provided*, that the aggregate amount of bank circulation under the provisions of this act shall not exceed six millions of dollars; and, *Provided further*, That no banking association under the provisions of this act shall have a greater capital stock than two hundred thousand dollars,”

Which was adopted.

The question then being on the amendment as amended,

It was adopted.

Mr. King of Johnson, offered the following amendment to section 9th:

“Insert in the 15th line of said section after the word *notes* the words “*whether protested or not.*””

Mr. Frazer offered the following amendment to the amendment of Mr. King of Johnson :

“Amend section 9 by adding thereto the following proviso :

Provided, however, That all the notes presented for redemption at one time shall be inserted in a single protest,"

Which was accepted by Mr. King of Johnson.

The amendment as amended was then adopted.

Mr. Martin offered the following amendment:

"Amend section 9 by striking out in the 9th and 10th lines, the words *"unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes ;* and add to said section the following : *"Provided, nothing herein contained shall prevent any person holding any of the issues of such association which have been protested as provided in this section from commencing suit against such association or any member thereof, in which suit the plaintiff shall recover judgment for the amount of said protested notes or note and ten per cent. damages, together with costs of protest and costs of suit, to be collected without any stay of execution or valuation or appraisement of property, and to be levied of the goods and chattels, lands and tenements of such association, or any individual member thereof.*

Which was not adopted.

Mr. Buskirk offered the following amendment to the 9th section, namely:

After the word association in the 7th line, add the words "or to any member thereof,"

Which was adopted.

Mr. Sturgis offered the following :

Strike out section 41 and insert as follows : "It shall be unlawful for any stockholder, president, cashier, clerk, teller, director, attorney, agent, or other employee of any bank, banking company or association, for themselves or for the bank, banking company, or any other person, association of persons, corporation or State, to purchase or exchange for any bill or bills, the issues of any bank, banking company or association, created or acting under the provisions of this act, at a rate less than the amount specified upon such bill or bills. Any such person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to penalties in section 52,

Which amendment was adopted.

Mr. Buskirk moved to amend by adding the following proviso to section 9 : "*Provided further*, that no preference in the payment shall be given to protested notes over non-protested notes,

Which was adopted.

Mr. Newcomb moved to reconsider the vote on the amendment of Mr. Hillyer,

Which motion prevailed.

Mr. Buskirk moved to reconsider the vote on the amendment of Mr. Murray to the amendment of Mr. Hillyer,

Which motion prevailed.

Mr. Murray then withdrew his amendment.

The question then being on Mr. Hillyer's amendment,

It was adopted.

Mr. Mellett moved to strike out section 46, and insert the following: "Any banking association which shall fail to redeem twenty-five per cent. of its circulation in gold or silver, shall be deemed guilty of swindling and shall be liable to punishment, according to law in such cases made and provided,

Which was not adopted.

Mr. King of Johnson, offered the following amendment:

Amend section 34, 2d line, by striking out after the words "any time," "for the space of twenty days;" and in the 3d line of same section, strike out "12½ per cent." and insert "20 per cent."

Mr. Bonner moved to amend the motion by striking out section 34,

Which motion did not prevail.

Mr. Carnahan moved to lay the amendment of Mr. King of Johnson, on the table,

Which motion prevailed.

Mr. Newcomb offered the following amendment:

Add after the word "state," in the 3d line of section 29, the following: "And each of such citizens shall make and file with the Auditor of State his affidavit that the amount of stock deposited or transferred by him are held and owned by him in his own right, and that no other person, corporation or association, has any interest therein;"

Which was adopted.

Mr. Merrifield offered the following amendment as an additional section:

SEC. — The place of doing business of any bank heretofore established, may, within six months after the passage of this act, be changed to some other place of greater commercial importance, to be approved by the Governor and Secretary of State, a certificate whereof shall be filed in the office of the Auditor of State, after which the circulating notes of such bank shall be deemed to be payable at the place designated therein;"

Which amendment was adopted.

Mr. Murray offered the following amendment:

Add to the 6th section, "*Provided*, That the aggregate amount of bank circulation under the provisions of this act, shall not exceed eight million dollars; and *provided further*, That no association under this act shall have a greater circulation of notes than two hundred thousand dollars;"

Which was adopted.

Mr. Test offered the following additional section to the bill:

SEC. — "*Provided further*, That the bank notes issued by any banking association shall be receivable in payment of any debt or liability due the banking association so issuing such bank notes, or the stockholders thereof, and the same rule shall prevail for one year after such transfer, where there has been a transfer of said bank or the stock thereof, to other individuals for banking purposes,

in regard to the debts and liabilities incurred either before or after such transfer."

The question then being put,

The ayes and noes were demanded by Messrs. King of Johnson, and Test.

Those who voted in the affirmative were,

Messrs Alden, Bonner, Beach, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Union, Crozier, Dickerson, Ellis, Fouts, Gifford, Gordon, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Madison, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Malick, Martin, Mellett, Meredith, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sidwell, Sims, Shryock, Shull, Smith of Perry, Sturgis, Tackett, Tanner, Test, Thomas, Usry, Walpole, Weir, Wilson, Wood and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Branham, Brazelton, Brothwell, Carnahan, Clark of Rush, Clark of Tippecanoe, Coen, Dunn, Fouts, Frazier, Gwinn, Hall of Laporte, Hillyer, Hudson, McCord, Murray, Schoonover, Smith of Lagrange, Spotswood, Stanton, Todd, Trusler, Turner and Williamson—24.

So the amendment was adopted.

Mr. Hillyer moved to lay the bill on the table,

Which motion did not prevail.

On motion by Mr. Huffstetter,

The House adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, {
February 7, 1855. }

The House met pursuant to adjournment.

The journal of yesterday was read and adopted.

On motion by Mr. Thomas,
The order of business was suspended so as to take up

Bill No. 93. A bill to amend an act, entitled 'an act to authorize and regulate the business of general banking.

Which motion prevailed.

Mr. Murray, from the committee on the judiciary, obtained leave and made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 21, entitled "a bill to adjust the Gibson seminary township claim, and for quieting the title of the Indiana university, to the State university fund," which was referred to them with instructions, to inquire and report whether the bill is not in conflict with section five of article 10 of the constitution of this State, have had the same under consideration, and concur in the following opinion:

The section of the constitution, referred to in the instructions of your committee, is as follows: "No law shall authorize any debt to be contracted on behalf of the State, except in the following cases—to meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion; to suppress insurrection; or, if hostilities be threatened, to provide for the public defense."

In the opinion of your committee, it is perfectly clear, that this constitutional prohibition does not apply to the adjustment and liquidation of existing debts, but only inhibits the creation of new ones. This bill manifestly does not fall within either the letter or spirit of the prohibition. It proposes to create no new debt, only to ascertain the amount of an existing debt against the State, and to provide means for its liquidation. The claim thus proposed to be settled existed before the adoption of the new constitution, as appears from the judgment, which was rendered in 1849, against the State, by the Marion circuit court. This judgment is for so much money, and upon it an execution might at any time issue against the State. To provide for its adjustment and payment, cannot, therefore, be said, with any degree of propriety, to "authorize a debt to be contracted," in the sense of the constitution. If it should be urged, that the section of the constitution referred to in our instructions is retroactive, the objection in the opinion of your committee, is sufficiently answered by the well established rule "that all constitutional and statutory enactments are *prima facie*, prospective only, and still further, by the manifest intention of the framers of that instrument in the present case, their object clearly, was to guard against contracting future liabilities, and not to repudiate honest obligations already contracted; besides, this question may be regarded as already settled by the supreme court. The constitution requires that tribunal upon the decision of every

case, to give a statement in writing, of every question arising in the records, &c. This clause has been held not to apply to such cases as were pending in that court, at the time the new constitution went into operation; and upon this view, cases are constantly affirmed in that court, without a written opinion, merely because the transcripts were filed before the present constitution came into force.

Entertaining this opinion, in which your committee are unanimous, they have instructed me to report the same back to the House, and to recommend that it be referred to the committee on education; and your committee having fully reported, ask to be discharged from the further consideration thereof.

The report was concurred in and the bill referred to the committee on education.

Mr. Logan offered the following instructions:

Refer to the committee on education, with instructions to amend the same so as to authorize a direct appropriation from the treasury of a necessary sum, not to exceed ——— thousand dollars, and to provide by law, for a tax on the property of the State to reimburse the treasury.

Mr. Huffstetter offered the following amendment to the instructions of Mr. Logan: That the committee be instructed to enquire and ascertain as near as may be, the amount due the Vincennes University, principal, interest and costs, and report the same to this House,

Which was adopted.

The instructions as amended were then adopted.

Mr. Lowe, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared joint resolution No 7, and bills Nos. 40, 38, 43, 46, and 71, with the engrossed copies thereof, and find them correctly enrolled.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bills Nos. 77, 94, and 104, and find the same correctly engrossed.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives, that the President has signed the following enrolled bills of the Senate :

No. 41. A bill providing for official notice of the time when the statutes of this State are in force.

Also,

No. 95. An act to fix the time of holding the courts of common pleas in the counties of Laporte, Porter and Lake,

And to bring the same to the House of Representatives for the signature of the Speaker thereof.

Mr. Hardin, from the committee on county and township business, obtained leave and made the following report :

MR. SPEAKER :

The committee on county and township business to whom was referred resolutions Nos. 18 and 19 directing their enquiry into the expediency of reducing the number of township officers from five to three, and of requiring township boards to hold stated meetings, have given the same mature consideration, and have incorporated those features in the accompanying bill on township business, which they most respectfully submit to the consideration of the House.

Mr. Newcomb moved to lay the report on the table,

Which motion prevailed.

Mr. Newcomb then moved to suspend the order of business, and take up the message from the Senate,

Which motion prevailed.

The following message was received from the Senate, by Mr. Turman, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof :

Bill No. 87. A bill to prohibit the manufacture and sale of spiritous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression intemperance,

In which the concurrence of the House is respectfully requested.

The bill was read a first time and passed to a second reading.

Mr. Brothwell moved that the rules be suspended so as to allow the bill to be read a second time by its title.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton,

Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Miller, Murray, Newcomb, Peck-enpauigh, Peden, Sanford, Sidwell, Sims, Shryock, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFauland, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Sturgis, Tanner, Usry, Walpole, Weir, and Williamson—35.

So the rules were suspended.

Mr. Buskirk obtained leave and introduced the following resolution :

Resolved, That the Assistant Clerk be directed to procure a new chair for the use of Speaker.

Which was adopted by consent.

Mr. Merrifield moved to recommit House bill No. 93, a bill to amend an act, entitled "an act to authorize and regulate the business of general banking," with the following instructions, viz :

Re-commit the bill to the committee on banks with instructions to amend as follows :

1st. By annexing an additional section providing that whenever any bank organized and doing business under this law shall go into liquidation, if the proceeds of its assets shall be found insufficient to redeem all its issues, all the other banks organized under this act shall be mutually liable for such deficit, in proportion to the amount of the capital stock of each.

2nd. By providing for the creation of three Bank Commissioners, who shall constitute a board of control and have general supervision of all banks in the State, and also of the Auditor of State, so far as it relates to banks.

On motion by Mr. Tackett,
The House adjourned till 2 o'clock, P. M.

2 O'CLOCK. P. M.

The House met pursuant to adjournment.

Mr. Tackett moved a call of the House.

The Clerk proceeded to call, when the following Members answered to the call:

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McMurry, Malick, Martin, Merrifield, Miller, Manks, Montgomery, Murray, Peden, Peyton, Schoonover, Sims, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Thomas, Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood, and Mr. Speaker—73.

On motion by Mr. Walpole,
The further call was suspended.

The following message was received from the Governor, by Mr. King, Executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 38. An act authorizing county agricultural societies to purchase and hold real estate.

No. 40. An act providing that no justice shall hear or determine any State prosecution for an assault and battery or assault, unless the injured party be present, or being summoned refuses to attend, or when the summons for him is returned "not found," and that no trial shall be had in cases of affray, unless a witness thereof be present and testify upon such trial, or being summoned refuses to attend.

No. 43. An act to provide for the restoration and preservation of the records of the supreme court.

No. 46. An act to authorize the board of trustees of high schools, academies, colleges or universities, to assume a common

name, consolidate their property, to sue and be sued, contract and be contracted with, and to transact their business under such common name.

No. 71. An act to provide for the service of a summons for a witness by copy.

No. 7. A joint resolution against the renewal of certain patents.

Which bills originated in the House of Representatives.

The question being on the adjournment, on the motion of Mr. Merrifield to recommit House bill,

No. 93. A bill to amend an act entitled An act to authorize and regulate the business of general banking with instructions,

Mr. Clark of Tippecanoe, moved to lay the instructions of Mr. Merrifield on the table.

Which motion prevailed.

Mr. Test moved to take up the amendment offered by him some days previously.

Which motion prevailed.

Mr. Murray moved to lay the amendment to the bill upon the table

The ayes and noes being demanded by Messrs. Test and Murray,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Brazelton, Brothwell, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, Logan, Lowe, McCord, McMurry, Martin, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Shryock, Shull, Spotswood, Sturgis, Thomas, Trusler, Turner, Usry, Walpole, Williamson, Wood and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Bonner, Buchanan, Buskirk, Clark of Rush, Fouts, Herve, Humphreys, King of Madison, Landers, Lemmon, Lewis, McConnell, McClure, McFarland, Malick, Meredith, Newcomb, Sidwell, Sims, Smith of Perry, Stanton, Tackett, Tanner, Test and Weir—25.

So the amendment was laid on the table.

The bill was then ordered to be engrossed.

Mr. McConnell, from the committee on the organization of courts of justice, obtained leave and made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred Senate bill No. 40, entitled a bill "providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," with amendments thereto, have had the same under consideration, and when so amended, unanimously direct me to report the same back and recommend its passage.

Senate bill No. 40. Amend section 1st as follows: Insert after the word "county" in the second line, these words—"or when it shall become necessary or proper for said court to adjourn from any cause."

Also, insert after the word "order," in the sixth line, these words—"of which public notice shall be given in some manner, to be specified by said court."

The report was concurred in, and the amendments were adopted.

The amendments were then ordered to be engrossed.

Mr. Frazer moved to suspend the rules, that the bill be considered engrossed and read a third time.

The ayes and noes being put,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McTord, McClure, McFarland, McMurry, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Tackett, Tanner, Test, Thomas, Todd, Truller, Turner, Usry, Walpole, Weir, Williamson, Wood and Mr. Speaker—77.

Messrs. Huffstetter, Hume and Landers, voted in the negative.

So the rules were suspended and the bill read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Had-

sell, Hail of Laporte, Hall of Warren, Hargrove, Harryman, Hill-
 yer, Hudson, Huffstetter, Hunt, King of Johnson, King of Madison,
 Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord,
 McClure, McFarland, Malick, Martin, Meredith, Merrifield, Miller,
 Monks, Montgomery, Murray, Newcomb, Peckenpauqh, Peyton,
 Sanford, Schoonover, Sims, Shryock, Shull, Smith of Perry, Spots-
 wood, Stanton, Tackett, Tanner, Test, Thomas, Todd, Trusler,
 Turner, Usry, Walpole, Weir, Williamson, Wilson, Wood and
 Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Tackett obtained leave and introduced the following reso-
 lution:

WHEREAS, The small pox is now prevailing in nearly every portion
 of this city; AND WHEREAS, several have recently died here with
 this disease, and it being uncertain how long we will have a quo-
 rum to do business, on account of the prevalence of said disease:
 therefore be it

Resolved, That when this House adjourn this evening that they
 adjourn till the first day of March next, and that the Senate be re-
 quested to concur in this resolution.

Mr. Test moved to lay the resolution on the table,
 Which motion prevailed.

House Bills on Third Reading.

No. 60. A bill concerning conveyances and other writings and
 the sealing thereof.

Was read a third time.

Mr. Hudson moved to recommit the bill to the committee on
 the judiciary, with the following instructions:

"That said committee engraft on said bill a provision to legalize
 the acts of county auditors, administrators and other persons, who
 have made deeds of conveyance of lands without any seal, other
 than an ink scrawl."

Which motion prevailed.

On motion by Mr. Brothwell,

The House adjourned till to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
February 8th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Humphreys.

The reading of the journal of yesterday was dispensed with, and so adopted.

Mr. Humphreys moved a call of the House.

The clerk proceeded to call, when the following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Dunn, Earl, Frazier, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Mellett, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peck-enpauigh, Peden, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Sturgis, Tanner, Thomas, Todd, Trusler, Turner, Walpole, Weir, Williamson, Wilson, Wood and Mr. Speaker—78.

On motion by Mr. Humphreys,

The further call of the House was suspended.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. McConnell,

A petition from Mr. George Bradford, of Daviess county, on the subject of draining swamp lands.

Mr. McConnell moved to refer the petition to a select committee.

Mr. Landers moved to refer said petition to the committee on claims,

Which motion did not prevail.

The question then being on the motion of Mr. McConnell,

It was so referred.

The committee consisting of Messrs. McConnell, McMurry, Humphreys, Wood and Shryock.

By Mr. Newcomb,

A petition from the business men of Indianapolis, on the subject of insurance companies.

On motion by Mr. Newcomb,

The petition was referred to the committee on corporations.

By Mr. Merrifield,

A petition from sundry citizens of St. Joseph county, on the subject of temperance.

On motion by Mr. Merrifield,

The petition was laid upon the table.

By Mr. Brothwell,

A petition from sundry citizens of Noble county, on the subject of temperance.

On motion by Mr. Brothwell,

The petition was laid on the table.

By Mr. Monks,

A memorial from the independent order of good templars, of Winchester, on the subject of temperance.

On motion by Mr. Monks,

The memorial was laid on the table.

By Mr. Spotswood,

Two petitions from sundry citizens of Vermillion county, on the subject of so amending the constitution in such a manner as to withhold from the foreign immigrant the right of suffrage, until he shall have become a citizen of the United States, in accordance with the laws of the general government.

On motion by Mr. Spotswood,

The petitions were referred to the committee on rights and privileges of the inhabitants of the State.

By Mr. Hall of Laporte,

A petition from the property holders and business men of Laporte, on the subject of insurance companies.

On motion by Mr. Hall of Laporte,

The petition was referred to the committee on corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means, made the following report: .

MR. SPEAKER :

The committee on ways and means to whom was referred the petition of the merchants bank of New York in reference to the alleged amount due by this State to said Bank, have had the same under careful consideration, and believing the claim to be just and equitable have directed me to report the following bill to the House and to recommend its passage:

House bill No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants Bank in the city of New York, and to pay the balance that may be due, with interest.

Which was read a first time and passed to a second reading.

Mr. Meredith, chairman of the committee on ways and means, made the following report:

MR. SPEAKER :

The committee to whom was referred the resolution No. 21 of the House, requiring said committee to inquire into the expediency of framing a law, making the compensation of the Auditor, Treasurer, and Secretary of State, exclusive of necessary expense, not to exceed the sum of three thousand dollars per annum, report that it is inexpedient to legislate upon that subject at present,

Which report was concurred in.

Mr. Meredith made the following report from the committee on ways and means :

MR. SPEAKER :

The committee to whom was referred House resolution No. 20 , instructing said committee to inquire into the expediency of extending the time of settlement of county treasurers until the third Monday in September, report that it is inexpedient to legislate upon that subject,

Which report was concurred in.

Mr. Meredith, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee to whom was referred the House resolution No. 23, instructing said committee to inquire into the expediency of extending the time for the collection of the revenue of the State now due so that the people can have the advantage of a new crop, &c., report that it is inexpedient to legislate upon that subject,

Which report was concurred in.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 95, entitled "a bill to provide for greater security of the funds of the State in the hands of the Agent of State," have had the same under consideration and have instructed me to make the following report in regard thereto. In the opinion of your committee, there is no legal or constitutional objection to the passage of the bill; and as it belongs more properly to the committee on ways and means to examine the details thereof, and determine what amendments are necessary and proper to its perfection, they report the same back to the House, and respectfully recommend that it be referred to the said last named committee, to be by them perfected; and having reported, they ask to be discharged,

Which report was concurred in, and the bill referred to the committee on ways and means.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 86, entitled "a bill repealing section 5 of an act entitled an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of the said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1853, have had the same under consideration, and have instructed me to report the same back, that it is inexpedient at this time to legislate upon that subject, and to recommend its indefinite postponement; and having fully reported, ask to be discharged.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 24, entitled "a bill to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," have had the same under consideration,

and have directed me to report the same back to the House without amendment, and recommend its passage.

Which report was concurred in, and the bill passed to a third reading.

Mr. Clark of Rush, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 112, entitled "a bill requiring the clerk of the supreme court to tax against and collect from the defendants in each of the cases therein submitted and determined in favor of this State, since the publication of the Revised Statutes thereof for the year 1852, or so submitted and hereafter determined in that behalf, a docket fee of ten dollars for the benefit of the attorney prosecuting or defending such cases," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

The bill was ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 110, a bill to amend the thirty-second section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," together with pending amendments, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that said amendments be adopted, and that after being so amended, that said bill do pass.

The report was concurred in, and the amendments were adopted.

The bill was ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 84, entitled "a bill to provide that evidence of her having previous carnal connexion with other persons than the accused, and of particular acts and associations, indicating on the part of the prosecuting witness on a charge of rape, or an assault and battery with intent to commit a rape, a want of chastity may be introduced in defense of such charge," have had the same, and pending

amendments under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

On motion by Mr. Walpole,
The report was laid on the table.

Mr. Trusler from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 91, entitled 'an act to authorize suits against the State,' have had the same under consideration, and direct me to report the same back to the House and recommend its indefinite postponement.

By unanimous consent of the House, Mr. Dunn withdrew said bill, No. 91.

Mr. Trusler,, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 103, entitled 'a bill to authorize executors and administrators to make deeds in certain cases,' have had the same under consideration, and direct me to report the same back to this House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 89, entitled 'a bill authorizing attachments in certain cases therein named, where the debt is not due, have had the same under consideration, and direct me to report the same back to this House, with the following amendment, by adding a third section, and when so amended to recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Beach, from the committee on scientific and benevolent institutions, made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, beg leave to submit the following report of the condition of the Hospital for the insane:

The committee have carefully examined the institution in all its departments, and so far as they are competent to judge, would express their entire approbation of its management. The successful treatment of its unfortunate inmates, during the past two years, is a sure guaranty that it is in the hands of competent and skillful officers and attendants, and your committee cannot forbear expressing their conviction that the mild and gentle discipline to which the patients are alone subjected, in connection with the skillful medical treatment, is the great secret of this eminent success.

There are one hundred and sixty patients now in the hospital, the accommodations being filled to their utmost capacity. The south wing is nearly completed, and will be ready for occupation by the first of March next. This will enable the institution to accommodate two hundred and twenty-five patients, and the north wing, when completed, will increase the number to three hundred.

The appropriations for building the south wing, and for current expenses, for the past two years, were far from being sufficient for the purposes contemplated. The causes are fully stated in the commissioners' and superintendent's report, which has been laid before the House. To meet these deficiencies, to defray the current expenses up to April 1st, 1857, a period of two years and five months, and to complete the building, for which there is the most urgent necessity, will require the following sums:

Amount required to finish south wing, including the items and fixtures as per table 'A.,' column 3d, page 40 of superintendent's report, \$31,237 11.

This sum, the committee are informed, has, in part, been advanced to the commissioners by the treasurer of State, and is already expended.

For payment of loan of commissioners for current expenses, to Oct. 31st, 1854	\$5,000 00
For furnishing south wing for occupancy of patients,	4,000 00
For current expenses from Oct. 31st, 1854, to April 1st, 1855,	9,333 30
For current expenses from April 1st, 1855, to April 1st, 1856,	30,000 00
Amount required for north wing, for 1855.	25,000 00
For current expenses from April 1st, 1856, to April 1st, 1857,	30,000 00
Amount required for north wing for 1856,	30,000 00

The commissioners have also borrowed \$12,000 from the sinking fund, previous to Oct. 31st, 1854, which they have expended on the building, for which provisions should be made.

The committee cannot see that any of these sums can be mate-

rially lessened, or left out, without serious consequences to the institution, and to the cause of humanity, and they most heartily recommend the appropriation.

There is, also, a debt due the sinking fund, of long standing, amounting, on the 31st day of October, 1853, to the sum of \$11,000, principal and interest. Provision should be made, either for its prompt payment, or the assumption of the debt by the State, thereby relieving the commissioners from their personal liability, as may be deemed best.

A library is much needed at the hospital, for the use of the patients, and a small sum is recommended to be appropriated for that purpose.

In conclusion, in view of the constantly increasing magnitude of the benevolent enterprise in which the State is engaged, and for the support of which, her faith is solemnly pledged by the constitution, the committee would suggest the propriety of returning to the policy of specific taxation, as being the mode most agreeable to the tax-payers of the State, and most efficient in securing the various institutions a continued and effectual support.

The report was concurred in.

On motion by Mr. Buskirk,

The report was referred to the committee on ways and means.

Mr. Lemmon, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred a petition, signed by citizens of Monroe county, asking for the enactment of a law prohibiting the carrying of concealed weapons, having had the same under consideration, have directed me to report the following bill:

No. 147. A bill to prevent the carrying of concealed weapons, and prescribing penalties therefor.

The report was concurred in,

And the bill read a first time and passed to a second reading.

Mr. McCord, from the committee on swamp lands, made the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred the petition of sundry citizens of Gibson county, praying for the relief of William P. Woodall, have had the same under consideration, and unanimously direct me to report, that in the opinion of the com-

mittee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Hardin, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business to whom was referred House bill No. 18, a bill to amend an act for the incorporation of county libraries, with instructions, ask leave to report that by striking out five and inserting two as the per cent. to be allowed treasurers, as commission on all moneys received and paid out by them, the instructions of this House would be complied with, and we recommend the amendment herein designated, and would respectfully return said bill for the consideration of the House.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries to whom was referred House bill No. 120, have had the same under consideration, and have directed me to report the same back to the House, with the following amendment to bill No. 120, a bill to amend the 21st section of an act prescribing the duty of justices of the peace in criminal prosecutions, approved May 29th, 1852.

Amend as follows—

“Strike out all after the word ‘quietus’ on the last page, and insert the following: and if such return is made on the day required as aforesaid, then said justice shall be entitled to receive from such treasurer the sum of twenty-five cents as a fee therefor, and also five cents for every mile that it may be necessary for such justice to travel in making such return.”

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hillyer, from the committee on the organization of courts of justice, made the following report :

MR. SPEAKER :

I am directed by the committee on the organization of courts of justice to whom was referred House bill No. 68, a bill providing for trial of causes in the several circuit courts, in cases in which

the circuit judge is interested or related to either of the parties ; also, providing for the holding of terms, or days, or parts of terms of such courts when such judge is absent or unable to attend, and repealing sections three and four, of chapter four, of the second volume of the Revised Statutes of 1852, with instructions, to report that they have had the same under consideration, and amended section second as instructed, and would recommend the following additional amendments—add to section four, as follows:

Provided, that if the absence of said judge be caused by his sickness, such appointee shall be paid a like amount and in like manner as provided for the payment of appointees in section second thereof.

Also to add the following additional section 5th :

The Auditor of State shall issue his warrant to the Treasurer of State in favor of any such circuit judge for any sum he etofore deducted from his salary as compensation for holding his court during his sickness.

When thus amended, they recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

House Joint Resolution Introduced.

Mr. Huffstetter introduced joint resolution

No. 9. A joint resolution on the subject of naturalization laws ; Which was read a first time.

BILLS INTRODUCED.

Mr. Hervey introduced

Bill No. 148. A bill to encourage and facilitate the payment of the Indiana 5 per cent. bonds;

Which was read a first time and passed to a second reading.

Mr. Huffstetter introduced

Bill No. 149. A bill providing for the sale of saline lands remaining unsold in this State ;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry introduced

Bill No. 150. A bill to authorize county commissioners, in their respective counties, to sell the lands in which the surplus revenue fund, belonging to common schools, has been invested, and to reinvest the proceeds ;

Which was read a first time and passed to a second reading.

Mr. Spotswood introduced

Bill No. 151. A bill to prevent imposition and fraud in the manufacture and sale of patent and other medicines ;

Which was read a first time and passed to a second reading.

Mr. Todd introduced

Bill No. 152. A bill to legalize transactions made under the Revised Statutes of 1852, and the acts of A. D. 1853, before the same came in force ;

Which was read a first time and passed to a second reading.

Mr. Walpole introduced

Bill No. 153. A bill prohibiting adult persons from gaming or wagering with minors, and providing that such adults on conviction, shall be fined and imprisoned in the county jail; and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering in case the minor is a witness against such adults as may be charged ;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry, introduced

Bill No. 154. A bill to cure defects in certificates of acknowledgement of conveyances of real estate in certain cases therein named ;

Which was read a first time and passed to a second reading.

On motion by Mr. Hargrove,

Messrs. Carnahan and McCord were added to a select committee to whom was referred

House bill No. 75. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Senate Bills on Second Reading.

No. 87. A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance ;

Was read a second time.

Mr. McMurtry moved to refer the bill to a select committee, with the following instructions, viz: That the bill be referred to a select committee, with instructions to inquire into the expediency of amending the same as follows, to-wit :

Strike out all that portion of the bill that relates to county and township agencies, and insert in lieu thereof, that any adult person of good moral character, complying with the requirement of this

act, shall be permitted to sell for the uses therein named, only to be subject to all the fines and penalties of the same, and report.

Mr. Test moved a call of the House.

Which motion prevailed.

The Clerk proceeded to the call and the following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Mallick, Martin, Mellet, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Williamson, Wilson, and Mr. Speaker—93.

On motion by Mr. Humphreys,

A further call was suspended.

Mr. Test moved to lay the instructions of Mr. McMurry on the table.

The question being on laying the instructions on the table, Messrs. McMurry and Sturgis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, Mallick, Mellet, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Earl, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Mc-

Murry, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Sturgis, Tanner, Usry, Walpole, Weir, Williamson, and Wilson—41.

So the instructions were laid on the table.

Mr. Humphreys moved to amend section 1st as follows:

“Strike out all that relates to cider.”

Mr. Sturgis moved to amend the amendment of Mr. Humphreys as follows:

Strike out the bill from the enacting clause and insert the following, viz: “That it shall be unlawful for any person or persons, by agent, or otherwise, to sell, in any quantity, intoxicating liquors, to be drank in, upon, or about the building or premises where sold, or to sell such intoxicating liquors, to be drank in any adjoining room, building or premises, or other place of public resort connected with said building.

SEC. 2. That it shall be unlawful for any person or persons, by agent, or otherwise, to sell intoxicating liquors to minors, unless upon the written order of their parents, guardians, or family physician.

SEC. 3. That it shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to persons intoxicated, or who are in the habit of getting intoxicated.

SEC. 4. That all places where intoxicating liquors are sold, in violation of this act, shall be taken, held and declared to be common nuisances, and all rooms, taverns, eating houses, bazaars, restaurants, groceries, coffee houses, cellars, or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances upon the conviction of the keeper thereof, who shall be punished as hereinafter provided.

SEC. 5. That it shall be unlawful for any person to get intoxicated, and every person found in a state of intoxication, shall, upon conviction thereof, be fined in the sum of five dollars, and imprisoned in the county jail not more than three, nor less than one day, and pay the costs of prosecution.

SEC. 6. That every person who shall by the sale of intoxicating liquors, contrary to this act, cause the intoxication of any other person, such person or persons shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and one dollar per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in a civil action before any court having any jurisdiction thereof.

SEC. 7. That every wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child,

parent, guardian, employer, or other person, shall have a right of action in his or her own name, against any person who shall, by selling intoxicating liquors, contrary to this act, have caused the intoxication of such person, for all damages actually sustained, as well as exemplary damages; and a married woman shall have the same right to bring suits, prosecute and control the same, and the amount recovered, the same as if unmarried, and all damages recovered by a minor, under this act, shall be paid, either to such minor or to his or her parent, guardian, or next friend, as the court shall direct, and all suits for damages under this act, shall be by a civil action, in any of the courts of this State, having jurisdiction thereof.

SEC. 8. That for every violation of the provisions of the first, second and third sections of this act, every person so offending, shall forfeit and pay a fine of not less than twenty nor more than fifty, and be imprisoned in the jail of the county, for not less than ten nor more than thirty days, and pay the costs of prosecution, and for every violation of the provisions of the fourth section of this act, every person convicted as the keeper of any of the places therein declared to be nuisances, shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and be imprisoned in the jail of the county, for not less than twenty nor more than fifty days, and pay the costs of prosecution, and such place or places so kept by such person or persons so convicted, and shall be shut up and abated, upon the order of the court, before whom such conviction may be had, until such time as such person or persons keeping such place or places, shall give bond and security to the acceptance of said court, in the penal sum of one thousand dollars, payable to the State of Indiana, conditioned that he, she or they, will not sell intoxicating liquors, contrary to the laws of this State, and will pay all fines, costs and damages assessed against such keeper or keepers, for any violation thereof, and in case of a forfeiture of such bond, suit may be brought thereon for the use of any person interested, or for the use of the county, in case of a fine, or costs due such county: *Provided*, That the provisions of the first and fourth sections of this act shall not extend to the sale of wine manufactured of the pure juice of the grape, cultivated in this State, or cider.

SEC. 9. That the giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be deemed and held to be an unlawful calling within the provisions of this act.

SEC. 10. That for all fines and costs assessed against any person or persons, for any violation of this act, the real estate and personal property of such person or persons, of every kind, without exemption, shall be liable for the payment thereof; and all such fines and costs, shall be a lien upon such real estate until paid. And in case any person or persons, shall rent or lease any building or premises, and knowingly suffer the same to be used and occupied for the sale of intoxicating liquors, contrary to this act, such

building and premises so leased and occupied, shall be held liable for, and may be sold to pay all fines and costs assessed against the persons occupying such building or premises, for any violation of this act; and in case such building or premises belong to any minor, insane person or idiot, the guardian or guardians of such minor or minors, insane person, or idiot, who has control of such building or premises, shall be liable for, and account to such ward or wards, insane person or idiot, for all damages, in consequence of the use and occupation of such building and premises, and liabilities for such fines and costs as aforesaid.

Sec. 11. That all prosecutions under this act shall be in the name of the State of Indiana, and shall be commenced upon a written complaint, under oath or affirmation, before any justice of the peace of the county in which said offence was committed, or mayor of any incorporated town, village or city, or by information in the court of common pleas for the prosecution of offences, the punishment of which is not capital, or imprisonment in the penitentiary; and upon the filing of such complaint with such justice of the peace or mayor as aforesaid, such justice of the peace or mayor shall forthwith issue a warrant, directed to the proper officer, for the arrest of the person or persons charged with a violation of the provisions of this act; and such officer shall forthwith arrest the person or persons named in said warrant, and bring him or them before the justice of the peace or mayor issuing said warrant; and upon the return of said warrant served, such justice of the peace or mayor shall proceed to inquire into the truth of such complaint, unless for good cause shown a continuance is granted at the instance of either party; and in case of a continuance of said action as aforesaid, the defendant or defendants shall enter into a recognizance to the State of Indiana, in such sum as the justice or mayor may deem reasonable, with security to the acceptance of such justice or mayor, conditioned for the appearance of said defendant or defendants at the time fixed for the hearing of said complaint; and in default of such defendant or defendants giving such recognizance as aforesaid, the defendant or defendants shall be committed to the jail of the county, to be safely kept until the time fixed for the hearing of said complaint; and if the parties so recognized shall not appear at the time set for said trial, the recognizance so given by him or them shall be forfeited by such justice of the peace or mayor, and such officer shall enter such forfeiture upon said recognizance, and also upon his docket, and thereupon such justice or mayor shall forthwith proceed to collect the penalty of said recognizance, by instituting an action thereon, and proceeding with the same to final judgment; and when the same is collected, after paying the costs of such collection, such justice or mayor shall pay over the balance to the township, city, or incorporated village treasury, for the support of common schools; and in all cases of prosecution before justices of the peace or mayors, if such officer finds the complaint

to be true, he shall recognize such defendant or defendants to answer such charge as in other criminal prosecutions of like grades: *Provided*, That if such defendant or defendants shall plead guilty, such officer may affix the penalty and proceed to judgment; and in such case, said officer shall immediately issue an execution against the property and body of the defendant for the fine and costs, unless paid or secured; and said defendant shall not be discharged until such judgment and costs shall be fully paid, or be secured to be paid.

SEC. 12. The following form of complaint shall be sufficient in criminal proceedings, before justices of the peace or mayors, under this act, when applicable, but may be varied to suit the nature of the case, namely:

STATE OF INDIANA, }
 _____ County. } S.S.

Before me, A. B., (a justice of the peace for said county, or mayor of, &c., as the case may be,) personally came C. D., who being duly sworn according to law deposeth and saith, that on or about the _____ day of _____, in the year _____, at the county of _____ aforesaid, E. F., did sell intoxicating liquors to one G. H., to be drank in the place where sold, (or to G. H., a minor, &c., or a person intoxicated, or in the habit of getting intoxicated, as the case may be, or is the keeper of a room, or tavern, as the case may be, where intoxicating liquors are sold in violation of law,) and further saith not.

(Signed,)

C. D.

Sworn to, and subscribed before me, this _____ day of _____,
 A. D., _____, A. B.,
Justice, or Mayor, &c.

SEC. 13. In all prosecutions under this act, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold; and for any violation of the 4th section it shall not be necessary to state the name of any person to whom sold in violation of this act, and in all cases the person or persons shall be competent as witnesses to prove such fact or any other tending thereto.

SEC. 14. All laws and parts of law conflicting with the provisions of this act, be and the same are hereby repealed.

Mr. Newcomb moved the previous question,

Which was seconded by fifty-three members.

The question being, shall the main question be now put?

Messrs. Humphreys and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steu-

ben, Clark of Tippecanoe, Clark of Union, Coen, Dickinson, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, Malick, Mellet, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—56.

Those who voted in the negative, were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Frazer, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, McMurry, Martin, Miller, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Sturgis, Tanner, Usry, Walpole, Weir, and Williamson—39.

So the main question was then put.

The question then being on the adoption of the amendment to the amendment,

Messrs. Walpole and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Essex, Gordon, Hargrove, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Sturgis, Tanner, Walpole, and Williamson—34.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Humphreys, McConnell, McCord, McMurry, Malick, Mellet, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—59.

So the amendment to the amendment was not adopted.

The question then being upon the adoption of the amendment of Mr. Humphreys,

Messrs. Huffstetter and Smith of Perry, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Miller, Martin, Montgomery, Peyton, Peckenpaugh, Schonover, Sturgis, Shull, Smith of Perry, Tanner, Usry, Walpole, Weir, Williamson, and Wilson—39.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Wood, and Mr. Speaker—55.

So the amendment was not adopted.

The question being on ordering the bill to a third reading,

Messrs. Humphreys and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schonover, Shull, Smith of Perry, Sturgis, Tanner, Usry, Walpole, Weir, and Williamson—38.

So the bill passed to a third reading.

Mr. Meredith obtained leave and offered the following resolution :

Resolved, That the Treasurer of State be requested to report to this House the amount of money borrowed from the swamp land fund and used for paying the interest on the State debt and expenses of the State government,

Which was adopted.

Mr. Hudson moved that the order of business be suspended and that the House take up House bill No. 87,

Which motion prevailed.

On motion by Mr. Meredith,
The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bills of the House:

No. 23. A bill to amend sections 1, 2, and 7, of an act entitled "an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any person, persons, or corporation who may own or hold by lease, land on any creek or river the right to have a public ferry, and to prevent a ferry, lying in two counties, from being assessed with a double tax.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 57. A bill supplemental to an act regarding estrays and articles adrift, with one engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendment of the House to engrossed bill of the Senate.

No. 40. A bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished.

House bill No. 93. A bill to amend an act to authorize and regulate the business of general banking;

Was read a third time.

Mr. Smith of Perry, moved to recommit the bill to the committee with the following instructions:

Amend section 9, by striking out the following words, viz: "give written notice to the association who issued such notes to pay the same, and if such association shall not immediately do so, the auditor shall without delay."

Mr. Wilson offered the following amendment to the instructions:

Amend by striking out section six as amended and insert the following: "Whenever any association of persons formed under this act, shall legally transfer to the treasurer of State, fifty thousand dollars worth of stocks or bonds, such as hereinafter specified, such association of persons shall be entitled to receive from the auditor for every one hundred and twenty-five dollars worth of such stocks or bonds thus transferred, and deposited, only one hundred dollars in notes of different denominations, registered and countersigned as aforesaid, to be used by them in the usual course of banking business as money."

On motion by Mr. Walpole.

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock,
February 9, 1855.

The House met pursuant to adjournment.

On motion by Mr. Fouts,
The reading of the journal of yesterday was dispensed with, and
it was so adopted.

PETITIONS, MEMORIALS, &C., PRESENTED

The Speaker laid before the House.

A petition from sundry citizens of Porter county, on the subject
of the desecration of the Sabbath,
Which by consent was laid on the table.

By Mr. Sturgis,

A memorial from William H. Churchman,

On motion by Mr. Sturgis,
The memorial was referred to the committee on claims.

By Mr. Hester,

A petition from sundry citizens of Brown county, on the subject
of medical examiners.

On motion by Mr. Hester,
The petition was referred to the committee on the judiciary.

By Mr. McFarland,

A petition from sundry citizens of Shelby county, on the subject
of the destruction of sheep by dogs.

On motion by Mr. McFarland,
The petition was referred to the committee on ways and means.

Mr. Hunt obtained leave and introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire and report to this House, at its earliest convenience, whether the courts of common pleas of this State have jurisdiction of divorce cases, and if the said courts have not such jurisdiction, that said committee report a bill legalizing such divorces as may have been heretofore decreed by said court.

Which was adopted.

Mr. Huffstetter obtained leave and introduced the following resolution:

Resolved, That the committee on roads be instructed to inquire whether persons residing in towns and cities, are now by law required to work upon roads, and if not, that said committee be instructed to report a bill requiring persons residing in towns and cities to work upon roads, the same as other persons are now required by law to do.

Which was adopted.

Mr. McConnell obtained leave and introduced the following resolution:

Resolved, That the doorkeeper be instructed to subscribe for 3 copies of the Transcript for each member of this House during the present session of the legislature.

Which was not adopted.

Mr. Hardin obtained leave and introduced the following resolution:

Resolved, That the printing of one thousand copies of the Auditor's report be and the same is hereby ordered for the use of this House, and that the principal clerk forward immediately the necessary order for the same.

Which was adopted.

Mr. Thomas obtained leave and introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving notaries public concurrent jurisdiction with justices of the peace in all matters pertaining to their duties, by giving bond and security in the same manner as justices of the peace.

Which was not adopted.

Mr. Sims obtained leave and introduced the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of limiting the number of days work to be required of the hands in a district subject to such labor, to four days, for any one season, or some other limited time, and report byb otherwise.

Which resolution was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. McFarland, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 88, "a bill to amend chapter 101, section 14, as within entitled and set forth," have had the same under consideration, and directed me to report the same back to the House with the following amendments, and as amended, to recommend its passage:

Strike out the words "annual conference," where they occur in the 3d and 17th lines.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the accompanying enrolled bill of the House, No. 23, with the engrossed bill of the corresponding number, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 90, 92, 106, 107 and 108, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 12, with the pending amendment, have had the same under consideration, and after long and careful investigation, have directed me to report the same back and recommend that the amendment be indefinitely postponed, and that the bill be passed.

On motion by Mr. Buskirk,

The report was laid on the table.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 56, have had the same under consideration, and have instructed me to report it back to the House with the following amendments, and when so amended, they recommend its passage:

Senate bill No. 56. A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees and vendees to hold and enjoy the same, and acquire and perfect the title to the right of way.

Amend section first by inserting after the word "expedient," in line ten, the words if "deemed expedient;" and insert after the word "company," in the eleventh line, the words "with the consent of persons owning a majority of the capital stock of the company, desiring to make the sale or lease."

The report was concurred in, and the amendments adopted.

The bill was ordered to be engrossed.

Mr. Peden, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State to whom was referred so much of the Governor's message as relates to unjust exactions of railroad companies, have had the same under consideration, and direct me to report the following bill and recommend its passage:

No. 155. A bill requiring railroad companies to publish their rates of transportation, and to ship freight in the order in which it is delivered for transportation,

Was read a first time and passed to a second reading.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bills of the House Nos 100, 105, 111, 122, and 123, and also joint resolution No. 4, and find the same correctly engrossed.

Mr. Peckenpaugh, from the committee on county and township business, made the following report:

MR. SPEAKER :

The committee on county and township business to whom was referred an imperative resolution directing that a bill to authorize county auditors to furnish a list of all the road taxes to the several supervisors of their respective counties on or before 1st day of September of each year, have had the same under consideration and ask leave to submit the following bill :

No. 156. "An act to authorize county auditors to make out lists of road taxes,"

Which was read a first time and passed to a second reading.

Mr. Alden, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred two resolutions enquiring into the expediency of abolishing the offices of township trustees, clerk and treasurer, and substituting one officer, to be styled township superintendent, have had the same under consideration, and are adverse to such change and ask to be discharged from the further consideration of the subject.

Which report was not concurred in.

Mr. Hardin moved to lay the report on the table,

Which motion prevailed.

Mr. King of Madison, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business to whom was referred a resolution enquiring into the expediency of amending the law so as not to require county treasurers to visit the different townships in their respective counties for the purpose of collecting taxes, have considered the same and are of opinion that it is inexpedient to legislate thereon, and ask leave to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Buskirk, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred that portion of the Governor's message, and accompanying documents, which related to the interest of the State in the Madison and Indianapolis railroad, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage :

No. 157. A bill to amend sections 5 and 6 of an act, entitled an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal so far as affects the Madison and Indianapolis railroad company, the 55th and 58th sections of the act, entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer, approved January 28th, 1852."

Which was read a first time and passed to a second reading.

Mr. Gifford, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 121, have had the same under consideration, and have directed me to report the following amendment :

Strike out all after the words "to-wit" in the eighth line of the first section, and insert the following, and would recommend its passage :

SEC. 2. That when any county seat is located more than four miles from the geographical centre of the county, and three-fifths of the qualified voters of said county shall petition for its removal, as stated in the foregoing section, the commissioners of the county shall immediately proceed to appoint three disinterested free-holders from three of the adjoining counties, one from each, whose duty it shall be to repair to the county seat of said county, within twenty days thereafter, and take an oath or affirmation to discharge faithfully the duties of their commission, as hereinafter set forth. They shall then proceed to search for some eligible site, as near the geographical centre of said county as may be, taking into consideration the interest of all the people of the county, together with subscriptions, donations, contributions and propositions, which may be offered for the erection of the public buildings, and all other necessary expenses incident to and consequent upon such removal or relocation, and when the site is thus chosen, the commissioners shall make return of the same to the county board.

SEC. 3. That the board of commissioners of said county, before appointing such disinterested men as re-locating commissioners, as provided for in section two, shall open books or cause them to be opened in every township in the county, for subscriptions and donations; and when a sufficient amount is subscribed or donated, and secured to the satisfaction of said board, to erect a court house, jail and jailor's house, and such other offices and buildings as may be needed; *Provided*, That the board shall employ some competent architect to draw plans and make specifica-

tions of all such public buildings, and make the necessary estimates of the entire cost of their erection, the board shall then proceed to appoint the commissioners, as provided for in section 2.

SEC. 4. That said board of county commissioners, at their next regular session after the locating commissioners shall have made their report as provided for in section 2, shall direct the auditor of said county to advertise in one or more public newspapers in the State, for sealed proposals for erecting such court house, jail, jailor's house, and such other necessary public buildings as aforesaid, according to such plans and specifications, and out of such materials as such board of commissicners shall order and direct, and shall appoint one or more suitable and competent architects, to be denominated a building committee, to direct and superintend the erection of such public buildings; *Provided*, That all subscriptions made as provided for in section 3d, of money, land, or other valuable thing, shall be binding upon the person making such subscription for the purpose aforesaid, and may be collected by said commissioners in the same manner as any other debt is collected in any court having competent jurisdiction thereof, and no defect in the form of any promises, propositions or subscriptions, made as aforesaid, shall invalidate the same, if it can be made to appear that they were intended as donations and subscriptions for the purposes aforesaid; *Provide*!, *however*, It shall not be lawful for a tax to be levied upon the people of the county, under the provisions of this act, to meet the expenses of such removal or re-location, as contemplated in this act.

SEC. 5. That in the erection of said public buildings, there shall be made estimates of the amounts of work and labor done and materials furnished, and shall be certified by the building committee to the county auditor, at least once in two months; and the board of commissioners shall from time to time make the necessary appropriations, to meet the expenses of erecting said public buildings, taking into consideration the donations made, and which are, or may be collected.

SEC. 6. That the courts required by law shall be held at the former county seat of said county, and all the records of the county, required by law to be kept at the county seat, shall be held and kept at the county seat of every county where they are now held and kept, until the necessary public buildings shall be erected and prepared for the reception of the courts and records, as contemplated in this act.

SEC. 7. That it shall be the duty of the board of county commissioners, as soon as the site shall have been selected and reported, as provided for in section 2d, to secure a good and sufficient deed to the property, and proceed to survey and lay out a town on such site, in such manner as is common in such cases.

Mr. Smith of Perry, obtained leave and offered the following resolution:

Resolved, That the agent of the colonization society be requested to furnish to the House of Representatives a statement in relation to the operations of said agent during the year 1854;

Which was adopted.

Mr. Hillyer moved to suspend the order of business to take up Senate bill No. 87;

Which motion prevailed.

Senate bill No. 87. A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression intemperance;

Was read a third time.

Mr. Walpole moved to recommit the bill with the following instructions:

To strike out section No. 24 of the bill. And further strike out so much of the bill as authorizes search, seizure, confiscation and destruction of property. And strike out all that part of the bill that authorizes the imprisonment of the citizen without warrant or trial. Strike out that part of the bill which authorizes the search of private dwellings.

Mr. Tackett moved to lay the instructions on the table.

The question being put,

Messrs. Landers and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studalaker, Sturgis, Tanner, Usry, Walpole, Williamson, Weir and Wilson—41.

So the instructions were laid upon the table.

Mr. Humphreys moved to recommit the bill with the following instructions:

Strike out all that which requires the treasurer of each county to furnish money to pay for liquors."

Mr. Peden demanded the previous question, which was seconded by fifty-two members,

The question being, shall the main question be put?

Those who voted in the affirmative were.

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Hillyer, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir and Williamson—42.

So the main question was ordered to be put.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hardin, Hargrove, Hester, Huffstetter,

Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson and Wilson—43.

So the bill passed.

Mr. Weir moved to amend the title, strike it out and insert as follows:

A bill to provide by law, liquor shops where they do not now exist, and to permit the rich man to use, without molestation, imported liquors, while it deprives the poor man of the cheaper article of domestic manufacture.

Mr. Meredith moved to lay the amendment on the table,

Which motion prevailed.

The title was then adopted.

Ordered, That the clerk inform the Senate thereof.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

RESOLUTIONS INTRODUCED.

On motion by Mr. Smith of Perry,

Resolved, That the clerk be directed to have the documentary journal of the House so corrected, that the printed opinions of the supreme court, in the case of Greencastle township *vs.* Black, and in the case of Langdon *vs.* Applegate, shall conform to the original opinions.

On motion by Mr. Brazelton,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of deferring the time of final settlement of county treasurers with the treasurer of State, until the tenth of September next, and if, in their opinion such a course

would render it impossible to meet the interest on the public debt, then said committee are instructed to inquire into the expediency of borrowing money to meet the emergency for the present, and report by bill or otherwise.

Mr. Hardin asked leave to record his vote on the passage of Senate bill No. 87,

Which was refused.

JOINT RESOLUTIONS INTRODUCED.

No. 10. A joint resolution asking congress to give a credit for the duties on railroad iron;

Which was read a first time and passed to a second reading.

BILLS INTRODUCED.

No. 158. A bill for the effectual suppression of lotteries in the State of Indiana, and to repeal the 32d section of an act. entitled "an act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852;

Which was read a first time and passed to a second reading.

Mr Hardin introduced

Bill No. 159. A bill to establish tobacco inspectors in the State of Indiana;

Which was read a first time and passed to a second reading.

Message from the Senate by Mr. Turman their secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendments of the House to engrossed bill of the Senate ;

No. 35. A bill creating the 12th judicial circuit, providing for the election of a judge thereof, fixing the times of holding courts therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the President has signed

Senate bill No. 35. A bill creating the 12th and 13th judicial circuits, and providing for the election of judges thereof.

And to bring the same to the House for the signature of the Speaker thereof.

ORDERS OF THE DAY.

No. 93. A bill to amend an act entitled an act to authorize the business of general banking,

Being the first thing in the orders of the day, was taken up.

Mr. Wil-on withdrew his amendment to the instructions of Mr. Smith of Perry.

Mr. Smith of Perry, then withdrew his motion to recommit the bill with instructions.

On motion by Mr. Murray,

The vote on the engrossment was reconsidered.

Mr. Murray moved to refer the bill to a select committee, consisting of Messrs. Frazer, Walpole, Wilson, Hudson, Trusler, and Sturgis.

Mr. Hervey offered the following instructions:

To inquire into the expediency of amending the 9th section as follows: strike out all after the word "protest," in the 14th line, and insert, by causing the amount of bonds or other security so deposited, at the rate of one hundred and fifteen dollars to every one hundred protested for non-payment, to be sold at public auction at the city of Indianapolis, to the highest bidder, after giving in two of the newspapers published at Indianapolis having the largest circulation, twenty days notice of such sale, and should such bonds or other security, at such sale, fail to bring a sufficient amount to pay such protested notes and costs, if the owner, his agent or attorney will accept of the same, it is hereby made the duty of the State Treasurer to forthwith assign and transfer such bonds or security so filed to such holder of protested notes, and if such bonds or other security will not bring an amount sufficient to pay such protested notes and costs, and the owner or holder of such protested notes will not accept such bonds or other security for such protested notes, such bonds or securities to be struck off to the highest bidder, and the amount, deducting costs, paid over to the holder of such protested notes, who is hereby authorized forthwith, by attachment or otherwise, to commence suit for the residue unpaid against the president of such bank; and should he obtain judgment, the same shall be a lien upon and subject to execution and sale, the property of such bank and the individual property of its stockholders, who were such at the time of the protest of such notes.

2d. Amend 20th section in 3d line, by striking out the word "foreign."

3d. Insert in the 7th line after the word cashier, the following

words: "*Provided*, such president and cashier shall be resident citizens of the county in which such bank may be located."

4th. Strike out of said section all after the word "loaned," in the 12th line.

5th. Amend 26th section by adding the following, after the word successors, in the 13th line: "upon the order of the board of directors."

6th. Amend section 52 in line 1, by striking out "47," and by adding after the word profit, in line 4, the following: "All officers contemplated in sections 16, 36, 47, 39 and 41, are to be prosecuted by indictment in the circuit court of the proper county; and it is hereby made the duty of the judge of the circuit court especially, to give the same in charge to the grand jury."

Which were adopted.

Mr. Landers offered the following instructions:

Amend the 6th section, by inserting the word "thirty" instead of "fifteen."

Which was not adopted.

Mr. Carnahan offered the following additional instructions. Add the following:

SEC. 41. *Provided further*, whenever the holder of the bills of any bank equal to one share of stock deposited, shall present the same for payment, and have the same protested for non-payment, he shall have the right to present the bills to the Auditor, and exchange the same for bonds deposited, dollar for dollar; and in case the bonds are of less value than the appraised value when deposited, the holder of the bills shall have the right to sue and recover from the bank the difference between the par value and the value at the time of receiving said bonds.

Which was not adopted.

Mr. Walpole moved to reconsider the vote on Mr. Carnahan's instructions;

Which motion prevailed.

The instructions were then adopted.

Mr. Hadsell offered the following additional instructions:

Inquire into the expediency of amending the third line of section 44, so as to read, "shall be paid ten per cent. damages from such bank by the Treasurer of State, out of the securities in his hands, belonging to said bank.

Which was adopted.

Mr. Sturgis offered the following additional instructions. Inquire into the expediency of making the following:

SEC. —. It shall be unlawful for any of the persons mentioned in the foregoing sections to receive in payment, or on deposit, put off in the course of their banking transactions any bill of the issue of any person, corporation, bank, banking company or association, authorized or permitted by the law of any other State, of a less denomination than ten dollars; any such person violating the provisions of this section, or procuring, aiding or advising the same,

shall be, on conviction, deemed guilty of a misdemeanor, and subject to the penalties in sections 5th and 9th of this act.

Which were adopted.

Mr. Frazer asked leave of absence this afternoon, for the select committee on banks;

Which was granted.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

Bill No. 30. A bill to amend the 13th section of "an act, providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 19, 1852.

Bill No. 33. A bill to give to the circuit courts concurrent jurisdiction with the courts of common pleas, in cases of riot.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, the following engrossed bill of the House:

No. 24. An act to amend the 3d and 4th sections of an act, entitled "An act for the incorporation of cities," approved June 18th, 1852.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed House bill No. 11. "An act to amend the 303d section of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

With the following engrossed amendment thereto:

Amend the title by adding the following words:

"And to prevent the continuance of a cause by the filing of interrogatories in the absence of the opposite party except upon affidavit."

In which the concurrence of the House is respectfully requested.

House bill No. 11. A bill to amend the 303d section of an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases in courts of this State, to abolish distict forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." approved June 18th, 1852,
Which amendment of the Senate was concurred in.

House bill No. 62. A bill to authorize master commissioners to take acknowledgments of deeds, &c ,

Was read a third time.

On motion by Mr. Newcomb,

The bill was re committed with the following instructions:

"The committee to provide by amendment that 'such master commissioners shall have powers and discharge the duties formerly belonging to masters in chancery, under the revised statutes of 1843.'"

Mr Smith of Perry, offered the following additional instructions:

"Inquire into the expediency of authorizing county commissioners to take acknowledgments of deeds and administer oaths in civil cases."

Which were adopted.

On motion by Mr. Test,

Mr. Murray was added to the select committee on banks.

House bill No. 63. "A bill to repeal the 5th section of an act therein named,"

Was read a third time, and

On motion by Mr. Buskirk,

Was laid on the table.

House bill No. 81. "A bill to repeal the 10th section of an act, entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein and compensation for judges thereof," approved June 11th, 1852,

Was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Giffard, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hervey, Hester, Humphreys, King of Johnson, McConnell, McCord, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Newcomb, Peden, Sanford, Sidwell, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Turner, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Alden, Brothwell, Buchanan, Burnett, Carnahan, Clark of Steuben, Cotton, Crozier, Essex, Gordon, Hargrove, Harryman, Huffstetter, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McMurry, Miller, Montgomery, Peckenpaugh, Smith of Perry, Tanner, and Usry—29.

So the bill did not pass for want of a constitutional majority.

No. 94. A bill to amend the 41st section of an act, entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, approved May 29, 1852,

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasker, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Turner, Usry, and Mr. Speaker—82.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 100. An act to amend an act, entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852,

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hill-
 yer, Huffstetter, Landers, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Perry, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Turner and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Humphreys, Jeter, King of Madison, and Usry—4.

So the bill passed.

Mr. Hester moved to reconsider the vote on the passage of the bill.

Which motion prevailed.

On motion by Mr. Hester,

The bill was referred to the committee on the judiciary, with instructions to inquire into the constitutionality of the bill.

No. 104. A bill to amend the title of an act, entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, so as to mention therein the business of stock and exchange broker, in buying and selling stocks, bank notes, gold, silver, promisory notes and bills of exchange,

Was read a third time.

Mr. Test moved to reconsider the vote ordering said bill to be engrossed,

Which motion prevailed.

Mr. Test then moved to refer said bill to the committee on the judiciary,

Which motion prevailed.

House bill No. 105. A bill to amend section 22, of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852,

Was read a third time,

When,

On motion,

Was laid on the table.

No. 111. A bill to amend an act in relation to county treasurers,

Was read a third time, &

When,

On motion by Mr. Jeter,

The vote ordering said bill to be engrossed, was reconsidered,

On motion by Mr. Buskirk,

The bill was referred to the committee on the judiciary.

House joint resolution No. 4. A joint resolution upon the subject of lands, and increase of pensions for military services,

Was read a third time, the question then being,

Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Jasper, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Gifford, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hester, Hillyer, Huffstetter, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McClure, McFarland, McMurry, Martin, Meredith, Miller, Montgomery, Peyton, Schoonover, Shryock, Shall, Smith of Perry, Studabaker, Tackett, Tanner, Turner, Usry, Wood and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Bartholomew, Bonner, Branham, Brazelton, Burnett, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Earl, Fouts, Hadsell, Newcomb, Peckenpaugh, Sanford, Stanton, and Thomas—17.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

No. 122 A bill to amend the 9th section of "an act regarding estrays and articles adriit," approved June 16th, 1852;

Was read a third time, the question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Harry-

man, Hervey, Hester, Hillyer, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McClure, McFarland, McMurry, Malick, Martin, Meredith, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Shryock, Stanton, Studabaker, Tackett, Tanner, Test, Thomas and Turner—67.

So the bill passed.

Mr. Murray moved to amend the title, so as to entitle justices to receive mileage in making returns of sale,

Which was adopted.

The title, then, as amended was adopted.

Mr. Hillyer moved to suspend the order of business and take up House bill,

No. 136. A bill to enable cities which have subscribed for stock in companies, incorporated to construct works of public utility, under the 96th section of the general act for the incorporation of cities, to ratify the same.

Which motion prevailed.

The bill was read a second time.

On motion by Mr. Sanford,

The vote on the engrossment was reconsidered.

Mr. Carnahan moved a reference of the bill to the committee on temperance.

Which motion prevailed.

Mr. King of Johnson, obtained leave of absence till Monday next.

On motion by Mr. Meredith,

Leave of absence was granted to Mr. Cain till Monday next.

Mr. McConnell moved to take from the table, bill

No. 77. "A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto;"

Which motion prevailed.

The bill was read a third time, and

On motion by Mr. Hester,

Was laid on the table.

House bill No. 85. A bill to provide for enclosing and protecting the military grounds belonging to the State, at the Capital.

On motion by Mr. Smith of Perry,

The bill was laid upon the table.

On motion by Mr. Frazer,

The order of business was suspended.

Mr. Frazer, from the select committee on banks, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 93, entitled "An act to amend an act to regulate the business of general banking," have had the subject under consideration, and have directed me to report the same back to the House, with the following amendments, and when so amended, they respectfully recommend its passage:

Amend the second proviso to the 6th section, by striking out the words "or the stockholders thereof." Further amend the 6th section as amended, by striking out the word "fifteen" where it occurs, and insert the word "eighteen."

Amend the 9th section by inserting in the seventh line, after the word "notice," the following words: "to the president, cashier, or any director of the association."

Amend the 49th section by adding the following proviso: "*Provided, however,* That any such bank which has not at any time failed to redeem its issues in coin, and shall continue so to do, shall not be so closed while it continues to redeem prior to the 1st day of January, 1856."

SEC. 4. *Provided further,* That no bank, under this act, shall be authorized to receive or pay out any note or bill of a less denomination than five dollars, issued by any bank or other corporation out of this State.

Amend the proviso to 6th section, by inserting after the words *bona fide* owner, where the said words occur in the fourth line, and insert these additional words: "in their own right, and not in trust, or for the use or benefit of others."

Amend the 29th section after the word association, in the 4th line, insert these words: "also, the names and places of the residence of each of the stockholders in such association."

The question being on concurring in the amendments, they were concurred in jointly.

The bill was ordered to be engrossed.

Mr. Trusler moved to adjourn,

Which motion did not prevail.

Mr. Buskirk asked leave of absence till Monday 12 o'clock for Messrs. Kilgore and Monks,

Which was granted.

Mr. Buskirk asked leave of absence till Monday next for Messrs. Shryock, Landers, and Sims,

Which was granted.

On motion,

The House adjourned till to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
February 10th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Tackett,
Mr. Murray was called to the Chair, *pro tempore*.

On motion by Mr. Test,
The reading of the journal was dispensed with, and it was so adopted.

Mr. Murray moved a call of the House.

The clerk proceeded to call, when the following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Williams, Wilson, Wood, and Mr. Speaker—87.

On motion by Mr. Carnahan,
The further call was dispensed with.

House bill No. 93 was taken up.

No. 93. A bill to amend "an act to authorize and regulate the the business of general banking,"
Was read a third time.

Mr. Hudson moved that the further consideration of this bill be postponed till Monday next at 2 o'clock P. M.

Mr. McConnell moved that it be postponed till Tuesday at 2 o'clock, instead of Monday,

Which motion did not prevail.

The question then being on the original motion, the consideration of the bill was postponed till Monday next at 2 o'clock P. M.

The following message was received from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bills of the House :

No. 48. A bill concerning the organization of voluntary associations, and repealing former laws in reference thereto.

Also,

No. 83. A bill to amend an act, entitled "an act providing for the appointment of Notaries Public, and defining their powers and duties," approved June 9th, 1852.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 11, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 112, 18, 120, 89 and 87 and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

MR. SPEAKER:

The committee on engrossed bills have examined the House engrossed amendments to Senate bill No. 56 and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Hardin asked leave of absence for Mr. King of Madison, Which was granted.

Mr. Shanks asked leave to record his vote in favor of the temperance bill.

Which was granted.

Mr. Hardin asked leave to record his vote against the temperance bill.

Which was granted.

On motion by Mr. Thomas,

The House adjourned till 2 o'clock, P. M.

2 o'clock. P. M.

The House met, pursuant to adjournment.

On motion by Mr. Buskirk,
Mr. Murray was called to the chair, pro-tem.

On motion by Mr. Buskirk,
The order of business was suspended.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Shanks,

A petition from sundry citizens of Jay county, on the subject of
temperance,

On motion by Mr. Shanks,
The petition was laid on the table.

By Mr. Spottswood,

A petition from the property holders of Perrysville, Vermillion
county, on the subject of insurance companies,

On motion by Mr. Spottswood,
The petition was laid on the table.

By Mr. Malick,

A petition from sundry citizens of Jennings county, on the sub-
ject of education,

On motion by Mr. Malick,
The petition was referred to the committee on education.

By Mr. Hargrove,

A petition from sundry citizens of Gibson county, on the subject
of the boundaries of Gibson and Warrick counties.

On motion by Mr. Hargrove,
The petition was referred to the select committee on the bound-
aries of Gibson and Warrick counties.

By Mr. Hardin,

A petition from the ladies of Vanderburg county, on the subject
of temperance,

On motion by Mr. Hardin,
The petition was laid on the table.

REPORTS OF STANDING COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House bill No. 61, have had the same under consideration, and have directed me to report the same back to the House with the following amendments thereto, and when amended, to recommend its passage:

Strike out all after the enacting clause, and insert the following:

"That the 71st section of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21st, 1852, which is in the following words to wit.

SEC. 71. Each township assessor shall, at the time he is required by this act, make return of taxable property to the county auditor, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, corresponding with his list or lists; and the auditor shall carefully preserve the same in his office.

Be and the same is hereby amended so as to read as follows, to-wit:

SEC. 71. Each assessor shall, at the time he is required by this act, to make return of taxable property to the county auditor, also, to deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, corresponding with his list or lists, and the auditor shall carefully preserve the same in his office, and each assessor may, when making lists of personal property, correct all errors of assessment of real estate, which he may discover on the assessor's book, either in the name of the person to whom the property is assessed, by change of ownership or otherwise, or the description of property, and make return of the same to the county auditor at the same time they are required to make return of the lists of personal property.

SEC. 2. The assessors in the several counties of this State are now engaged in making lists of personal property, and it is important that they should at once have the authority to correct errors given by this act. Therefore it is hereby declared that an emergency exists for the immediate taking effect thereof, and this act shall take effect and be in force from and after its passage.

Which report was concurred in, and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Newcomb, from the committee on temperance, made the following report:

MR. SPEAKER:

The committee on temperance, to whom was referred House bill No. 136, entitled "An act to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 96th section of the general act for the incorporation of cities to ratify the same," have had the same under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. McCord, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, according to order, have had under consideration Senate bill No. 21. "A bill to adjust the Gibson seminary township claim, and to quiet the title of the Indiana university to the university fund," with instructions in relation thereto referred to them, and a majority have directed the following report:

The amount of money for principal and interest to the 31st of December, 1854, due on the decree of the circuit court of Marion county, is believed to be \$66,300 94.

The amount of taxed costs in the same case in that court and in the supreme court is, as follows:

Costs in the circuit court	\$224 42
Costs in the supreme court	93 66

The Vincennes university has paid of the above sums in the circuit court, \$169 14; and in the supreme court, \$50 36; consequently there is now due by the State for taxed costs to the Vincennes university, \$219 50, and to the clerks, \$98 88. The Vincennes university has also paid the costs on some two hundred suits against the purchasers for the State, dismissed in pursuance of the law of 1846, and amounting to the sum of \$308 61; and now claims that the State should repay this money.

It is claimed by the Vincennes university that according to the contract contained in the act of 1846, the Vincennes university is entitled to claim the money paid into the treasury by the purchasers, being \$30,099 96, and interest thereon from the time of the payments, amounting, on 31st December, 1854, to the further sum of \$34,530 72, and making with the funds in the hands of the commissioner, the total amount of \$83,444 52; and that if the matter was now to be settled, that would be the sum to be paid

by the State. The circuit court did not allow interest from the time of payment into the treasury to the day of the commencement of the suit, amounting to the sum of \$23,795 06, to which the Vincennes university claims to be entitled under the law of 1846, on all equitable principles, but is not entitled to under the decree. The majority of the committee recommend the passage of the bill with the amendments following:

Section 1st, 6th line, erase "less" and insert "more." This amendment will limit the Auditor and Treasurer to the amount due on the decree, \$66,300 96 and costs.

Section 2—add to the section, "*Provided*, That on 90 days notice at any time before the expiration of thirty years, in a paper published at Vincennes and at Indianapolis, of the State's readiness to redeem, said bonds shall be payable, after which interest shall stop."

Section 3, 3d line, after "whatever" insert: "of said decree and;" and in 4th line, after "to" insert, "or on account of."

The report was concurred in, and the amendments adopted.

On motion by Mr. Frazer,

The bill was laid on the table.

Mr. Brazelton, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred sundry bills, resolutions and petitions, making various amendments to the plank, McAdamized and gravel road law, have had the same under consideration, and have directed me to report the accompanying bill, which, in the opinion of your committee, embraces all the amendments proposed in said bill, and to recommend its passage:

No. 160. A bill to amend the act entitled "An act authorizing the construction of plank, McAdamized and gravel roads."

Which was read a first time and passed to a second reading.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 39, have had the same under consideration, and have directed me to report it back to the House with an amendment and when so amended they recommend its passage:

Amend by striking out after the enacting clause and in lieu thereof insert the following:

That if any railroad company has heretofore executed or may hereafter execute any mortgage upon the whole or any portion of

their road, it shall be lawful for such company, with the consent of persons owning a majority of the capital stock of such company, to settle and compromise with such mortgagees, and release and convey to such mortgagees or creditors for whose benefit such mortgage is or may be held, such part of the road mortgaged and upon such terms as may be agreed upon; and thereafter such vendees by such name as they may assume shall possess, own and enjoy all the rights, privileges and immunities of said company on the part of the road so conveyed, and no act or omission of the company making the conveyance shall work a forfeiture of their franchises, over that part of the road so conveyed. And such vendees, by the name by them assumed, shall be a body corporate and politic, with the rights, privileges, franchises and immunities as aforesaid and may issue stock not exceeding twenty thousand dollars per mile and sell the same and issue certificates therefor which shall be assignable upon such terms as they may prescribe; and if from any cause there shall be any failure of the title to any right of way, or where the title thereto has not been acquired upon which any railroad of this State is now constructed it shall be lawful for the company owning the road or for the party owning such lands upon which any part of the road is constructed to apply to the proper court for the writ of assessment of damages and have the damages which the owner of said property has sustained or may sustain by reason of the taking, use, and occupancy thereof by the company for the construction and maintainance of said road, and upon the assessment and payment by the company of the damages which may be assessed or awarded, the title to such property shall vest absolutely in the company for the purposes of the said railroad; and the business of no road actually constructed shall be obstructed by reason of any such defect of title to any part of the property upon which it may be built, unless there shall be default in the payment of money awarded after the verdict shall have been rendered and judgment thereon, but every company having actually constructed and having in operation said road shall be entitled to maintain the same and avail itself of the privilege of this section whenever, from any cause, the right of way for the track occupied is not perfect and absolute.

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage."

The report was concurred in, and the amendment was adopted. The bill as amended was ordered to be engrossed.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 102, "a bill to amend section 17 and part of 18 of an act

incorporating the Lagro, Marion and Jonesboro plank road company," have had the same under consideration, and have directed me to report the same back and recommend its passage,

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Buchanan, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business to whom was referred House resolution No. 27, inquiring into the expediency of amending the assessment law so as to authorize the county commissioners to fix the manner of publishing the delinquent list, have had the same under consideration, and are of opinion that it is a subject which may be properly referred to the committee of ways and means, and herein recommend such reference.

The report was concurred in.

Mr. Wilson, from the committee on trust funds, made the following report :

MR. SPEAKER :

The committee on trust funds, to whom was referred Senate bill No. 8, entitled a bill for the relief of borrowers of the common school fund, and of the purchasers of school lands belonging to the State of Indiana, have had the same under consideration, and instructed me to report said bill back to the House and recommend its passage.

The report was concurred in,

And the bill passed to a third reading.

Mr. Wilson, from the committee on trust funds, made the following report :

MR. SPEAKER :

The committee on trust funds have instructed me to report the following bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages, and to recommend it to the favorable consideration of the House.

No. 161. A bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages.

The report was concurred in, and the bill read a first time.

Mr. Wilson, from the committee on trust funds, made the following report:

MR. SPEAKER:

The committee on trust funds, to whom was referred the report of the State debt sinking fund commissioners, have had the same under consideration, and instructed me to report the same back to the House, and to recommend that so much of said report as refers to the propriety of levying a sinking fund tax of five cents on the one hundred dollars valuation of property, be recommitted to the committee on ways and means.

The report was concurred in. and the subject referred to the committee on ways and means.

Mr. Beach, from the committee on scientific and benevolent institutions, made the following report:

MR. SPEAKER:

The committee on scientific and benevolent institutions to whom was referred the answers of the several clerks, mayors, &c., of the counties of this State, to a resolution of this House, calling for a detailed list of all juvenile offenders imprisoned in the jails and penitentiary of this State during the past year, beg leave to report—That about sixty answers have been received, and from these it appears that seventy-four persons from 12 to 20 years of age have been convicted of crime and imprisoned in the jails of the several counties for periods of time varying from one hour to ninety days during the past year, and that thirty-seven persons from 14 to 20 years of age are now in the penitentiary.

Mr. Newcomb, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the communication of the Treasurer of State concerning instructions given by him to county treasurers, relative to receiving free bank paper for taxes, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

House bill No. 162. A bill authorizing the payment of taxes due in the State of Indiana, in the circulating notes of the free banks of this State, and to enable the Treasurer of State to convert the same into money, and to invest a portion of the revenue in Indiana State bonds.

Which report was concurred in.

And the bill was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Smith of Perry introduced

Bill No. 163. A bill to amend the 54th section of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Which was read a first time and passed to a second reading.

Mr. Burnett introduced

Bill No. 164. A bill to amend section 22 of an act defining misdemeanors, and prescribing punishment therefor,

Which was read a first time and passed to a second reading.

Mr. Hardin introduced

Bill No. 165. A bill supplemental to an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852,

Which was read a first time and passed to a second reading.

Mr. Beach introduced

Bill No. 166. A bill to amend an act, entitled "an act to provide for the government of the Indiana Hospital for the Insane, and the care of the insane of Indiana," approved June 15th, 1852,

Which was read a first time and passed to a second reading.

Mr. Sanford introduced

Bill No. 167. A bill to amend section 6 of an act, entitled "an act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court," &c.,

Which was read a first time and passed to a second reading.

Mr. Buchanan introduced.

Bill No. 168. An act to authorize the township trustees to prepare an alphabetical list of all the legal voters in each township, and to prevent any person from voting whose name is not on said list,

Which was read a first time and passed to a second reading.

Mr. Frazer introduced

Bill No. 169. A bill to amend section 1st of chapter 42 of the acts of 1853, approved Feb. 14th, 1853,

Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 170. An act to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees,

Which was read a first time and passed to a second reading.

Mr. Beach moved to suspend the rules and take from the table House bill No. 113, a bill to provide for the erection of a House of Refuge in the vicinity of Indianapolis; and House bill No. 114, a bill to establish a State reform school for juvenile offenders at the House of Refuge in the city of Indianapolis,

Which motion prevailed.

The bills were then placed upon the files,

Upon motion by Mr. Hardin a report of the committee on county and township business was taken from the table, which report was in reference to the manner of transacting township business. The following bill accompanying said report was read a first time:

No. 171. A bill to prescribe the manner of transacting township business, and to repeal an act, entitled an act for the more uniform mode of doing township business, approved May 6, 1852.

The bill passed to a second reading.

On motion by Mr. Frazer,

The committee on Education had leave to meet during the afternoon session of the House.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution thereof:

No. 2. A joint resolution asking an appropriation from Congress for the improvement of the Michigan City Harbor,

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

Bill No. 100. A bill authorizing the recording of patents for real estate, and making the records thereof and certified copies of such records evidence.

Also,

Bill No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict with the same.

Also,

Bill No. 58. A bill to amend the twenty-fourth, the thirty-first, the thirty-third and the thirty-seventh sections of an act, entitled "An act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

Also,

Bill No. 71. A bill declaring the proof of names of parties in certain cases not necessary.

Also,

Bill No. 78. A bill to provide for the listing of corporation and public stocks.

Also,

Bill No. 82. A bill to amend the first section of an act, entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet shows and legerdemaine," approved June 15th, 1852, and to prevent the establishment of a broker's office as a business.

Also,

Bill No. 84. A bill amending section 11, of chapter 31, of the Revised Statutes of 1852, relative to the making out and furnishing to the several inspectors of elections poll books, tally papers, &c., and providing compensation for said services.

Also,

Bill No. 88. A bill to amend the second section of an act, entitled "An act to incorporate the Ward cotton mill," approved February 15th, 1848, and increasing the capital stock thereof.

Also,

Bill No. 89. A bill to regulate the filing of bonds and oaths of guardians, and to repeal section 4 of an act touching the relation of guardian and ward, approved June 9th, 1852.

Also,

Bill No. 90. A bill to amend the 18th section of an act, entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13th, 1852.

Also,

Bill No. 92. A bill to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors, administrators and guardians.

In which the concurrence of the House is respectfully requested.

Senate joint resolution No. 2. A joint resolution asking an ap-

appropriation from Congress for the improvement of the Michigan City harbor,

Was read a first time and passed to a second reading.

Senate Bills on First Reading.

No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict therewith,

Was read a first time and passed to a second reading.

No. 58. A bill to amend the twenty-fourth, the thirty-first, the thirty-third and the thirty-seventh sections of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17th, 1852;

Was read a first time and passed to a second reading.

No. 71. A bill declaring the proof of names of parties in certain cases not necessary,

Was read a first time and passed to a second reading.

No. 78. A bill to provide for the listing of corporation and public stocks,

Was read a first time and passed to a second reading.

No. 82. A bill to amend the first section of an act, entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet shows and legerdemain," approved June 15th, 1852, and to prevent the establishment of a broker's office as a business;

Was read a first time and passed to a second reading.

No. 84. An act amending section 11 of chapter 31 of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections, poll books, tally papers, &c., and providing compensation for said services,

Was read a first time and passed to a second reading.

On motion by Mr. Brazelton,

The House adjourned till Monday next, 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, }
 FEBRUARY 12, 1855. }

House met pursuant to adjournment.

On motion by Mr. Fouts,

The reading of the journal of yesterday was dispensed with, and it was so adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judicary, to whom was referred House bill No. 5, entitled "a bill to amend the 65th and 66th sections of an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, and supplemental thereto," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

On motion by Mr. Clark of Rush,

The report was laid on the table.

Mr. Logan, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the memorial of William H. Churchman, late superintendent of the Indiana Institute for the education of the blind, who "prays that the sum of four hundred and thirty-seven dollars may be allowed him, out of the funds of the institution, for time lost and money expended in defending a suit, wherein the State of Indiana was plaintiff, and said Churchman defendant." The committee, according to order, have carefully investigated this claim, and from the circumstances connected with the transaction, are of the opinion that the prayer of the petitioner should not be granted, that it is inexpedient to

legislate upon the subject; and the committee ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 48 and 83 with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 88 and 110 and compared the same with the original bills and find that the same have been correctly engrossed.

Mr. Smith of Perry moved to suspend the order of business and take from the files

House bill No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties.

Which motion prevailed.

Was read a second time, and

On motion by Mr. Smith of Perry,

The bill was referred to a select committee, consisting of Messrs. Smith of Perry, Trusler and Spottswood.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed bills thereof:

Bill No. 105. A bill to enlarge the jurisdiction of the courts of common pleas in cases in which property is or may be attached.

Also,

Bill No. 106. A bill requiring swamp land commissioners to give bonds.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

Bill No. 76. A bill to amend section 3 of an act for the regulation of weights and measures, approved June 9th, 1852.

Also,

Bill No. 85. A bill to enable railroad companies to dissolve.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

Bill No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchasers paid over one dollar and twenty-five cents per acre.

Bill No. 75. A bill to provide for the punishment of negligence, carelessness, and misconduct of the operatives and agents of railroad companies and for the punishment of persons who shall willfully and recklessly leave open any fence, gate, or bars of railroad companies in this State.

Message from the Senate by Mr. Turman, their secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 77. A bill to give to courts of common pleas jurisdiction in all cases of felonies,

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

In which the concurrence of the House is respectfully requested.

No. 63. A bill to amend the 540th section of an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

Bill No. 27. A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake or without authority.

Bill No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State, which have been established by law.

In which the concurrence of the House is respectfully requested.

Bill No. 54. A bill to amend the first section of an act approved May 13, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities."

Bill No. 53. A bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State.

Bill No. 38. A bill to repeal section five of an act, entitled "an act to authorize railroad companies to consolidate their stock with

the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1852.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

Bill No. 68. A bill to amend the 3d section of an act, entitled "an act to provide for the erection and repair of bridges," approved May 22d, 1852.

In which the concurrence of the House is respectfully requested.

Senate Bills on First Reading.

No 27. A bill to authorize the refunding of money, in cases where the State has sold lands as swamp lands by mistake or without authority;

Which was read a first time and passed to a second reading.

No. 38. A bill to repeal section five of an act, entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23d, 1852;

Which was read a first time and passed to a second reading.

No. 53. A bill giving foreign corporations the right to construct bridges over the rivers forming the boundary line of this State;

Which was read a first time and passed to a second reading.

No. 54. A bill to amend the first section of an act approved May 13th, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities;

Which was read a first time and passed to a second reading.

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation and before the selection of the swamp lands by the State of Indi-

ana, and to authorize the State to refund the excess, where said purchaser paid over one dollar and twenty-five cents per acre;

Which was read a first time and passed to a second reading.

No. 63. A bill to amend the 54th section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;"

Was read a first time and passed to a second reading.

No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State, which have been established by law;

Was read a first time and passed to a second reading.

No. 68. A bill to amend the 3d section of an act, entitled "An act to provide for the erection and repair of bridges," approved May 22d, 1852;

Was read a first time and passed to a second reading.

No. 75. A bill to provide for the punishment of negligence, carelessness and misconduct of the operatives and agents of railroad companies, and for the punishment of persons who shall wilfully and recklessly leave open any fence, gate or bars of railroad companies in this State;

Was read a first time and passed to a second reading.

No. 76. A bill to amend section 3d of an act for the regulation of weights and measures, Approved June 9th, 1852,

Was read a first time and passed to a second reading.

No. 77. A bill to give to the court of common pleas jurisdiction in all cases of felonies,

Was read a first time and passed to a second reading.

No. 85. A bill to enable railroad companies to dissolve,

Was read a first time and passed to a second reading.

No. 88. A bill to amend the 2d section of an act, entitled "An act to incorporate the 'ward cotton mill,'" approved February 15th, 1848, and increasing the capital stock thereof;

Was read a first time and passed to a second reading.

No. 89. A bill to regulate the filing of bonds and oaths of guardians, and to repeal section four of "an act touching the relation of guardian and ward," approved June 9th, 1852,

Was read a first time and passed to a second reading.

No. 90. A bill to amend the 18th section of an act, entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13th, 1852;

Was read a first time and passed to a second reading.

No. 92. A bill to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors, administrators, and guardians;

Was read a first time and passed to a second reading.

No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken;

Was read a first time and passed to a second reading.

No. 100. A bill authorizing the recording of patents for real estate, and making the records thereof, and certified copies of such records evidence;

Was read a first time and passed to a second reading.

No. 105. A bill to enlarge the jurisdiction of the courts of common pleas in cases in which property is or may be attached;

Was read a first time and passed to a second reading.

No. 106. A bill requiring swamp land commissioners to give bond;

Was read a first time, and passed to a second reading.

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor;

Was read a first time and passed to a second reading.

House Bills on Second Reading.

No. 127. A bill to amend the 596th section of chapter 1st, and article 29th of the Revised Statutes of 1852, and entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852;"

Was read a second time,

And,

On motion by Mr. Clark of Rush,

Referred to the committee on the Judiciary.

No. 128. A bill to repeal section 4 of an act entitled an act to provide for the election and prescribing certain duties of recorders,

approved May 31st, 1852, also to provide who shall keep a record of marks and brands ;

Was read a second time, and

On Motion by Mr. Clark of Rush,
Referred to the committee on county and township business.

No. 129. A bill to provide for the discovery of the cause and remedy of the disease commonly know as milk sickness ;

Was read a second time, and

On motion by Mr. Williamson,
Referred to a select committee of five.

Said committee consisted of Messrs. Williamson, Weir, Spotswood, Ellis and McClure.

House Joint Resolution on Second Reading.

No. 5. A joint resolution in relation to cheap ocean postage ;

Was read a second time, and ordered to be engrossed.

No. 6. A joint resolution relative to amending the constitution of the United States, so as to require the election of the President and Vice President by a direct vote of the people ;

Was read a second time.

Mr. Brazelton offered the following amendment:

Amend by adding—

Provided, That in such election, none but naturalized citizens of the United States shall be permitted to vote.

On motion by Mr. Carnahan,

The joint resolution and pending amendment were referred to the committee on the judiciary.

House Bills on Second Reading.

No. 130. A bill to save costs to minors, decedents' estates and others, in reference to conveyances under judicial sales, and to repeal certain laws in reference thereto ;

Was read a second time, and

On motion by Mr. Smith of Perry,
Referred to the committee on the Judiciary.

No. 131. A bill to amend sections 29 and 30 of an act entitled an act regulating general elections and prescribing the duties of officers in relation thereto, approved June 7th, 1852, and to provide for the counting of all the votes immediately after a general election ;

Was read a second time.

When,

On motion by Mr. Humphreys,
Was referred to the committee on elections.

No. 132. A bill relative to the leasing and renting of lands from landlord to tenant,

Was read a second time, and

On motion by Mr. Hall of Warren,

The bill was referred to the committee on agriculture.

No. 133. A bill in relation to what decisions of the supreme court the reporter is to publish,

Was read a second time, and

On motion by Mr. Clark of Rush,

The bill was referred to the committee on the judiciary.

No. 134. A bill to provide for the construction of drains from the land of one person over that of another, and the assessment and payment of damages occasioned thereby,

Was read a second time.

On motion by Mr. Studabaker,

The bill was referred to the committee on swamp lands.

No. 135. A bill to prohibit the selling, giving or vending of playing cards,

Was read a second time.

Mr. Hardin moved to refer said bill to the committee on the judiciary.

On motion by Mr. Cotton,

The bill was referred to the committee on rights and privileges of the inhabitants of the State.

No. 137. A bill in relation to the subscription to the stock of any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced,

Was read a second time.

On motion by Mr. Carnahan,

The bill was referred to the committee on corporations.

On motion by Mr. Tackett,

Leave of absence was granted to Butler Hubbard, Doorkeeper, on account of sickness.

No. 138. A bill for the relief of Nathan Rowley, of Vanderburg county,

Was read a second time.

On motion by Mr. Hardin,

The bill was referred to the committee on education.

No. 139. A bill fixing the time of holding the courts of common pleas in the district composed of the counties of Orange, Washington, Harrison and Crawford.

Was read a second time.

On motion by Mr. Huffstetter,
The bill was laid on the table.

No. 141. A bill to reduce the width of the Michigan road,
Was read a second time, and ordered to be engrossed.

No. 142. A bill to require county treasurers to collect from the clerks of the circuit and common pleas courts and justices of peace in their respective counties all unclaimed fines and fees,
Was read a second time, and ordered to be engrossed.

No. 143. A bill to extend the time of holding the circuit court in the county of Blackford,
Was read a second time.

On motion by Mr. Shull,
The bill was laid on the table.

No. 144. A bill to compel State and county treasurers to receive the notes of the free banks for taxes,

Was read a second time, and

On motion by Mr. Newcomb,
The bill was laid on the table.

No. 145. A bill to legalize, confirm and declare valid all sales of real estate, all settlements of decedents' estates, and any and all acts, done by any person, officer, corporation or association of persons, which may have been done in conformity with any amendatory act passed during the 37th session of the General Assembly of the State of Indiana,

Was read a second time, and ordered to be engrossed.

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank in the city of New York, and to pay the balance that may be due with interest;

Was read a second time.

Mr. Smith of Perry, offered the following amendment:

WHEREAS, It has been shown to this General Assembly that the Merchants' Bank in the city of New York, (which, up to the period when the State suspended the payment of interest on her public debt, was the sole agent of the State for the payment of her interest, as well upon the general internal improvement loans, as the bank loan,) paid over on the 9th day of November, 1843, to the then agent of the State, an apparent balance standing to the credit of the internal improvement interest account, of five thousand seven hundred and sixteen dollars and ninety cents, which apparent balance, it is now evident, grew out of the fact that said bank had, by mistake, charged to the bank fund interest account that amount, when it should have

been charged to the internal improvement interest account; AND WHEREAS, subsequently in a settlement between said bank and the commissioners of the sinking fund, who have charge of the payment of interest on the State bank loan, said erroneous charge to the bank fund interest account was detected, and the payment or allowance thereof by said commissioners very properly refused, thus leaving said bank in advance to the State said sum of \$5,716 90, which had been so erroneously paid to the agent of State under the impression that it was justly owing, and which, in justice, ought to be re-paid to said bank with the interest thereon, therefore

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the sinking fund be, and they are hereby authorized and directed out of the surplus revenue fund now in their hands for internal improvement purposes, to pay to said Merchants' bank in the city of New York, the sum of five thousand seven hundred and sixteen dollars and ninety cents, with interest thereon from the 9th day of November, 1843, at the rate of six per centum per annum, said bank at the time of such payment delivering up all internal improvement coupons in their possession belonging to the State, and which it is understood they hold to the amount of eleven thousand three hundred and twenty-five dollars.

The amendment was adopted, and the bill ordered to be engrossed.

House Joint Resolutions on Second Reading.

No. 8. A joint resolution in regard to the independence of Liberia;

Was read a second time and ordered to be engrossed.

House Bills on Second Reading.

No. 147. A bill to prevent the carrying of concealed weapons, and prescribing penalties therefor;

Was read a second time,

When,

On motion by Mr. Schoonover,

It was referred to the committee on the judiciary.

No. 148. A bill to encourage and facilitate the payment of the Indiana five per cent. bonds,

Was read a second time,

When,

On motion by Mr. Hervey,

The bill was referred to a select committee, consisting of Messrs. Hervey, Clark of Rush, Trusler, Humphreys and Ellis.

No. 149. A bill providing for the sale of saline lands remaining unsold in this State;

Was read a second time,

When,

On motion by Mr. Huffstetter,

The bill was referred to the committee on education.

No. 150. A bill to authorize county commissioners in their respective counties to sell the lands in which the surplus revenue fund belonging to common schools has been invested, and to re-invest the proceeds;

Was read a second time and ordered to be engrossed.

No. 151. A bill to prevent imposition and fraud in the manufacture and sale of patent and other medicines;

Was read a second time and ordered to be engrossed.

Mr. Wilson moved to reconsider the vote ordering the engrossment,

Which motion prevailed.

The bill was then,

On motion by Mr. Spotswood,

Referred to a select committee consisting of Messrs. Sturgis, Wilson, Hervey, Todd and Sidwell.

No. 152. A bill to legalize transactions made under the revised statutes of A. D. 1852, and the acts of A. D. 1853, before the same came into force;

Was read a second time,

When,

On motion by Mr. Tanner,

The bill was referred to the committee on the judiciary.

No. 153. A bill to prevent adult persons from gaming or wagering with minors, and prescribing that such adults on conviction shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering in case the minor is a witness against such adults as may be charged;

Was read a second time.

Mr. Clark of Rush, offered the following amendment:

Insert between the words "than and filthy" these words: "five nor more than;"

Which amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Clark of Rush, moved to reconsider the vote ordering the bill to be engrossed,

Which motion prevailed.

On motion by Mr. Clark of Rush,

The vote on the adoption of the amendment was reconsidered.

The question then being on the adoption of the amendment,
It was not adopted.

Mr. Newcomb moved to amend by striking out "fifty" and inserting "twenty,"

Which motion prevailed.

The bill as amended was then ordered to be engrossed.

No. 154. A bill to cure defects in certificates of acknowledgment of conveyances of real estate in certain cases therein named;

Was read a second time,

When,

On motion by Mr. Studabaker,

It was referred to the committee on the judiciary.

House joint resolution No. 9. A joint resolution on the subject of naturalization laws;

Was read a second time and ordered to be engrossed.

House Bills on Second Reading.

No. 155. A bill requiring railroad companies to publish their rates of transportation and to ship freight in the order in which it is delivered for transportation;

Was read a second time,

When,

On motion by Mr. Buskirk,

Was referred to the committee on corporations.

No. 156. "An act to authorize county auditors to make out lists of road taxes,"

Was read a second time,

When,

On motion by Mr. Buskirk,

Was referred to the committee on the judiciary.

No. 157. A bill to amend sections 5 and 6 of an act, entitled an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal so far as affects the Madison and Indianapolis railroad company, the 55th and 58th sections of the act, entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer, approved January 28th, 1842."

Was read a second time,

When,

On motion by Mr. Smith of Perry,

Referred to the committee on ways and means.

House joint resolution No. 10. A joint resolution asking Congress to give a credit for the duties on railroad iron;

Was read a second time,

When,

On motion by Mr. Sanford,

Referred to a select committee, consisting of Messrs. Sanford, Smith of Perry, Ellis, Clark of Rush, and Shanks.

No. 158. A bill for the effectual suppression of lotteries in the State of Indiana, and to repeal the 32d section of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

Was read a second time,

When,

On motion by Mr. Hervey,

Was referred to the committee on the judiciary.

No. 159. A bill to establish tobacco inspections in the State of Indiana;

Was read a second time,

When,

On motion by Mr. Fouts,

Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 160. A bill to amend an act, entitled "an act authorizing the construction of plank, macadamized, and gravel roads;

Was read a second time,

When,

On motion by Mr. Brazelton,

Was referred to the committee on corporations.

Mr. Brazelton offered the following instructions:

"That the committee on corporations be instructed to so amend section 4th as to render it constitutional, by reciting the entire section which it proposes to amend; also, to add another section amending section 15, chapter 80, revised statutes of 1852, volume 1st, so that fines, for violations therein named, shall not exceed one hundred dollars.

Which was adopted.

No. 161. A bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages;

Was read a second time.

When,

On motion by Mr. Newcomb,

Referred to the committee on the judiciary.

No. 162. A bill authorizing the payment of taxes due the State

of Indiana, in the circulating notes of the free bank of this State, and to enable the treasurer of State to convert the same into money, and to invest a portion of the revenue thereof, in Indiana State bonds;

Was read a second time.

Mr. Newcomb offered the following amendment:

Fill the blank in section 5, as follows—one hundred thousand dollars, or such further sum as, in his opinion, the State will be able to pay upon the principal of the public debt, during the present year.

On motion by Mr. Carnahan,

The bill and pending amendment were referred to the committee on ways and means.

No. 163. A bill to amend the 54th section of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Was read a second time and ordered to be engrossed.

On motion by Mr. Carnahan,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the President has signed enrolled bill of the Senate

No. 40. An act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished,

And to bring the same to the House for the signature of the Speaker thereof.

Message from the Senate by Mr. Turman their Secretary:

Engrossed amendment of the Senate to engrossed bill of the House:

Bill No. 57. A bill supplemental to an act regarding estrays and articles adrift.

Amend by adding to title the following words:

"And to provide compensation for the appraisal thereof."

Passed Senate Feb. 8th, 1855.

The amendment to said title of bill 57, was agreed to by the House.

Mr. Hudson moved to take from the files

House bill No. 93. An act to amend an act to authorize and regulate the business of general banking,

Which motion prevailed.

Mr. Carnahan moved the previous question,

Which was not seconded by the House.

Mr. Brazelton moved to re-commit the bill with the following instructions:

To strike out of section 7 the words "or such other States of the Union as pay interest semi-annually, or at any less time on their public debt."

Section 48. Also strike out these words: "It is hereby made the duty of the Treasurer and Auditor of State to receive for taxes and all other demands due the State of Indiana, the issues of all the banks of this State who comply with and conform to the provisions of this act."

Mr. Carnahan moved a call of the previous question,

Which was seconded by 57 members.

The question being, shall the main question be put? it was so ordered by consent.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brothwell, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hudson, Hume, King of Johnson, Landers, Lemmon, Merrifield, Murray, Sanford, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Sturgis, Thomas, Todd, Trusler, Turner, Usry, Walpole, Wilson, and Wood—47.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Brazelton, Buchanan, Clark of Rush, Davis, Fouts, Gordon, Hardin, Hervey, Hester, Huffstetter,

Humphreys, Jeter, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Schoonover, Sidwell, Smith of Perry, Studabaker, Tackett, Tanner, Test, Williamson, Wheeler, and Mr. Speaker—40.

So the bill did not pass for want of a constitutional majority.

Mr. Frazer, from the committee on Education, obtained leave and made the following report :

MR. SPEAKER :

The committee on education to whom divers resolutions, petitions, and remonstrances were referred, touching the subject of education and matters pertaining thereto, have had the whole subject under consideration, and have directed me to report the accompanying bill and recommend its passage :

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Mr. Frazer moved to suspend the rules and read the bill by its title a first time,

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamson, Wilson, and Wheeler—86.

The Speaker voted in the negative.

So the rules were suspended, and the bill read a first time by its title.

Mr. Murray moved to suspend the rules and read the bill a second time by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasker, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dickerson, Earl, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hail of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, King of Johnson, King of Madison, Lenders, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Todd, Tusler, Turner, Usry, Walpole, Williamson, Wheeler, and Wood—80.

Those who voted in the negative were,

Messrs. Humphreys, Jeter, and Mr. Speaker—3

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Frazer,

The bill was laid upon the table and one thousand copies ordered to be printed.

Message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 23. An act to amend sections 1st, 2d, and 7th, of "an act to establish and regulate ferries," approved June 17th, 1852, so as to extend to any person or persons, or corporation, who may own or hold by lease, land on any creek or river, the right to have a public ferry, and to prevent a ferry lying in two counties, from being assessed with a double tax.

No. 11. An act to amend an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, and to prevent the continuance of a cause, by the filing interrogatories in the absence of the opposite party, except upon affidavit.

No. 48. An act concerning the organization of voluntary associations, and repealing former laws in reference thereto.

No. 83. An act to amend an act, entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9th, 1852, amending sections one and two, and repealing section three of said act.

Which bills originated in the House of Representatives.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate, Senate bill No. 115, "a bill to prevent the defalcation of certain officers therein named, and to provide penalties therefor."

In which the concurrence of the House is respectfully requested.

On motion by Mr. Smith of Perry,
The resolution of the Senate was concurred in.

House Bills on Second Reading.

No. 164. A bill to amend section 22d of an act, entitled "an act defining misdemeanors and prescribing punishment therefor;"
Was read a second time and ordered to be engrossed.

No. 165. A bill supplemental to an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852;

Was read a second time,

When,

On motion by Mr. Frazer,

It was referred to the committee on swamp lands.

No. 166. A bill to amend an act, entitled "an act to provide for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana," approved June 15th, 1852;

Was read a second time,

When,

On motion by Mr. Beach,

The bill was referred to the committee on benevolent and scientific institutions.

Mr. Hester moved to instruct the committee as follows:

Instruct the committee to amend, so as to extend the provisions

of the bill to the Institute for the Blind, and the Asylum for the Deaf and Dumb.

Which was adopted.

No. 167. A bill to amend section six, of "an act to provide for the election of a reporter, and a speedy publication of the decisions of the supreme court;

Was read a second time,

When,

On motion by Mr. Sanford,

Was referred to the committee on the organization of courts of justice.

No. 168. A bill to authorize the township trustees to prepare an alphabetical list of all the legal voters in each township, and to prevent any person from voting, whose name is not on said list;

Was read a second time,

When,

On motion by Mr. Clark of Rush,

Was referred to the committee on the judiciary.

No. 169. A bill to amend section 1st of chapter 42, of the acts of 1853;

Was read a second time,

When,

On motion by Mr. Cotton,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

No. 170. A bill to authorize educational corporations to borrow money, and secure the same by mortgage, and to increase or diminish the number of their directors or trustees;

Was read a second time, and ordered to be engrossed.

Mr. Shanks moved to reconsider the vote ordering the bill to be engrossed,

Which motion prevailed.

On motion by Mr. Newcomb,

The bill was referred to a select committee, consisting of Messrs. Newcomb, Murray and Shanks.

No. 171 A bill to prescribe the manner of transacting township business, and to repeal an act entitled an act for the more uniform mode of doing township business, approved May 6th, 1852;

Was read a second time.

Mr. Frazer offered the following amendment :

SEC. —. The duties now devolving upon township trustees by law, as overseers of the poor, are hereby transferred to justices of the peace, and the justice having the oldest commission shall dis-

charge said duties, and if there be no such justice, then such justice in any adjoining township shall discharge said duties, until there shall be a justice in the township.

Which was adopted.

Mr. Hester moved to refer the bill to the committee on the judiciary.

Which motion did not prevail.

On motion by Mr. Meredith,

The bill was laid on the table, and ordered that 500 copies be printed for the use of the members.

On motion by Mr. Smith of Perry,

House bill No. 77, was taken from the table.

No. 77. A bill to fix the time of holding courts of common pleas and length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto.

By unanimous consent of the House,

Mr. McMurry offered the following amendment:

Amend section 65 so that said court shall meet on the first Mondays in March, June, September, and December.

Which was unanimously adopted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Carnahan, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Malick, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Perry, Spotswood, Tanner, Test, Thomas, Todd, Turner, Usry, Walpole, Williamson, Wheeler, Wood, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Bonner and Brothwell—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Newcomb,
House bill No. 5, was taken up.

No. 5. A bill to amend the 65th and 66th sections of an act

providing for the settlement of decedents' estates, prescribing the rights and liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852, and supplemental thereto;

On motion by Mr. Hudson,
The bill was laid on the table.

On motion by Mr. Smith of Perry,
The order of business was suspended that bill No. 105, a bill to amend section 22 of an act, entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852; be taken up.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Davis, Dunn, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Warren, Hargrove, Harryman, Hester, Hudson, Huffstetter, Hume, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Williamson, and Wood—67.

Those who voted in the negative were,

Messrs. Ellis, Hervey, Usry, Walpole, Wilson, and Mr. Speaker—6.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hall of Warren,
The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 13th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Carnahan,
The reading of the journal was dispensed with, and so adopted.

The Speaker laid before the House a communication from William McBean, on the right of way through Posey and Vanderburg counties of the Metropolis and Evansville railroad.

On motion by Mr. Carnahan,
The communication was referred to a select committee, consisting of Messrs. Carnahan, Hardin, McConnell, Humphreys and Tackett.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Monks,

A petition from sundry citizens of Randolph county, on the subject of playing cards and gambling.

On motion by Mr. Hardin,

The petition was referred to the committee on rights and privileges of the inhabitants of the State.

By Mr. Earl,

A petition from sundry business men of Montgomery county on the subject of insurance companies.

On motion by Mr. Buskirk,

The petition was laid on the table.

By Mr. Sturgis,

A petition from sundry citizens of Allen county, on the subject of a certain plank road company therein named.

On motion by Mr. Sturgis,

The petition was referred to the committee on corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Test, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 27, entitled a bill to repeal section 3 of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," have had the same under consideration and have directed me to report the same back to the House, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred petitions from citizens of Perry, Tippecance, Posey, Floyd, Allen, Warrick, Laporte, and Marion counties, remonstrating against the passage of a bill pending in the House, requiring foreign insurance companies to deposit fifty thousand dollars with the Auditor of State, and praying for the passage of a law upon that subject, similar to the law now in force in the State of Ohio, have directed me to report the same back with the recommendation that they be laid upon the table, as the committee have acted upon the subject matter of said petitions, and have reported a bill upon said subject.

The report was concurred in.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 39, 68 and 121, and compared the same with the original copies thereof, and find that said bills have been correctly engrossed.

Mr. Sturgis, from the committee on benevolent and scientific institutions, made the following report:

MR. SPEAKER:

The committee on benevolent institutions would respectfully report to the House that they have examined the condition of the Asylum for the Blind, and are satisfied that the same is properly and economically conducted, and still entitled to the care and protection of the Legislature, and are of opinion that an appropriate

tion should be made to cover the accompanying statement of the amounts required by said Institution for the ensuing two years, and for past deficiencies.

That although they entertain some doubts of the propriety of making an appropriation of the sum of \$2,500, for the purpose of procuring an organ and pianos, under present circumstances, yet in view of the fact the blind are cut off from the ordinary avocations and amusements of their more fortunate kind, and that music opens to them a means of livelihood and rational amusement, and as the main object of their education is to enable them to support themselves, and as these objects may in most instances be attained by giving to them a thorough musical education, said committee have concluded to disregard their doubts, and recommend an appropriation for that object.

The committee would also suggest that an appropriation in addition to the amount already recommended, for the Deaf and Dumb Asylum to complete the veranda, the sum of two thousand five hundred dollars, believing that the comfort of the Institution and the preservation of the building requires that amount of expenditure.

Estimate of appropriations necessary for the Indiana Institute for the Blind :

Amount needed for the payment of the loans from the sinking fund, for which see McChesney's statement, page 45, Eighth Annual Report.....	\$21,334 15
For salaries of resident officers, viz:	
Superintendent.....	\$800
Principal teach in lit.....	600
Teacher of music.....	600
Matron.....	300
Teacher of handicraft.....	350
Teacher of female handicraft.....	200
Two ass't teachers in lit. (each \$300).....	600
Secretary.....	50
	<hr/>
	3,500 00
Boarding expenses of officers and pupils.....	7,200 00
Household furniture.....	500 00
School apparatus, books, &c.,.....	350 00
Support of work dep't, after deducting receipts...	500 00
Ordinary improvements and repairs.....	500 00
Miscellaneous purposes, paying trustees, &c.....	500 00
Fuel and lights.....	1,000 00
Pupils' clothing.....	400 00
	<hr/>
Total for ordinary current expenses for one year	\$14,450 00
For the second year, same as the first, with the addition of \$1,000 for additional pupils and necessary current repairs—making for the second year.....	\$15,450 00
[In reference to these items see Report, page 11.]	

For the extraordinary expenses of the Institution from the 1st of November, 1854, to the 1st of April, 1855, (the time when we will be able to realize our appropriation from the Legislature and for which hitherto no provision has been made, occasioning loans by the trustees to supply this deficiency.)	4,000 00
For heating apparatus for shop and main building, greatly needed for the health and comfort of all the inmates, and for the safety of the building	4,000 00
For overhauling and repairing the drying room, in connection with the laundry and cooking department	300 00
For painting outside of buildings	1,500 00
For painting fence surrounding the building	300 00
For inclosing and fitting for use 4 acres of ground lying north of building	450 00
For 1 double banked organ	1,800 00
For 2 seven octave pianos	700 00

The report was concurred in, and referred to the committee on ways and means.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 57 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 144 and 136, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Newcomb, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees, have had the same under consid-

eration, and have instructed me to recommend that section three of said bill be stricken out, and the following inserted, and when so amended to recommend its passage.

SEC. 3. Whereas, the necessities of some of the aforesaid institutions, demand the taking effect of this act, before it can be published and circulated in the several counties, an emergency is declared to exist for the immediate taking effect of this act; therefore this act shall be in force from and after its passage."

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Smith of Perry, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 140, "a bill to authorize the election of church wardens and vestrymen, and defining their powers and duties," have had the same under consideration, and have directed me to report the same back to the House with the following amendment, and when so amended to recommend its passage.

Strike out the second section; and after the word "otherwise," in the fourth line of the seventh section, insert the following words: "not exceeding one hundred acres."

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Sidwell, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 157, have had the same under consideration, and direct me to report the same back with the following additional section, and recommend its passage.

No. 157. A bill to prevent imposition and fraud in the manufacture and sale of patent and other medicines.

The committee recommend, to amend the bill by adding the following section:

SEC. 6. Nothing in this act shall be so construed as to effect the stock of medicines that may be on hand, and held for sale in this State, at the time of taking effect of this act.

Which report was concurred in, and the bill ordered to be engrossed.

BILLS INTRODUCED.

Mr. Hargrove introduced

Bill No. 173. A bill to provide for the erection and repair of bridges;

Which was read a first time and passed to a second reading.

Mr. Alden introduced

Bill No. 174. A bill authorizing the State of Indiana to relinquish her interest in the real estate herein set forth;

Which was read a first time and passed to a second reading.

Mr. Spotswood introduced

No. 175. A bill for the relief of purchasers of school lands in the sixteenth sections;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry, introduced

Bill No. 178. A bill to amend the 2d section of an act, entitled "An act providing for the colonization of negroes and mulattoes and their descendants, and appropriating three thousand dollars therefor, constituting a State board of colonization, declaring the duties of said board, and of State Treasurer and county treasurers in relation thereto," approved April 28th, 1852, so as to give the State board direction in the selection and disposition of the lands in Africa;

Which was read a first time and passed to a second reading.

Mr. Hall of Laporte, introduced

Bill No. 171. A bill to amend an act, entitled "An act concerning usury," approved May 27th, 1852;

Which was read a first time and passed to a second reading.

Mr. Frazer introduced

Bill No. 180. A bill to provide for the mode of trial, forming the issues, taking depositions, and giving right of challenge to jurors in suits involving the descent of real estate, &c.;

Which was read a first time and passed to a second reading.

Mr. Newcomb introduced

Bill No. 181. A bill to amend section three hundred and fifteen

of chapter one, part second, of the second volume of the revised statutes of 1852;

Which was read a first time and passed to a second reading.

Mr. King of Johnson, introduced

Bill No. 182. A bill to prevent the circulation of bank notes of other States in the State of Indiana, below the denomination of five dollars;

Which was read a first time and passed to a second reading.

Mr. Smith of Perry, moved to take up House bill No. 66;

Which motion prevailed.

No. 66. A bill for the relief of Henry Wells, treasurer of Lake county, Indiana.

Mr. Test moved to recommit the bill to the committee on claims, with the following instructions:

To provide 1st, that the bill be stricken out from the enacting clause, and also the preamble.

2d. That if, upon suit brought, it shall be made to appear that the funds were stolen, without the fault of the treasurer, the court shall render judgment for the treasurer.

Which motion did not prevail.

The bill was then ordered to be engrossed.

Mr. Sturgis moved to reconsider the vote concurring in the report of the committee on claims upon the claim of William H. Churchman;

Which motion prevailed.

Mr. Sturgis then moved to refer the petition to a select committee;

Which motion prevailed.

Said committee were composed of Messrs. Sturgis, Merrifield, Hall of Laporte, Frazer and Hervey.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed

House bill No. 19. A bill to amend the 1st and 4th sections of an act, entitled "An act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16th, 1852, with sundry engrossed amendments thereto, in which the concurrence of the House is respectfully requested; which amendments are in the following words and figures, to-wit:

Strike out the words, "Be it enacted by the General Assembly of the State of Indiana," in the 2d section.

Also, strike out the word "its," in the 1st line of section 3, and insert the word "the" instead thereof.

Also, after the word "completion," in the first line of section 3, insert the words "of such indexes."

Which engrossed amendments of the Senate were concurred in by the House.

On motion by Mr. Meredith,

Senate bill No. 21. A bill to adjust the Gibson township claim, and for quieting the title of Indiana University to the State University fund,

Was taken from the files, and on the further motion of Mr. Meredith, the amendments to the bill were considered as engrossed and the bill ordered to be read a third time.

The bill was read a third time.

Mr. McMurry moved to postpone the further consideration of the bill until the twenty-fourth day of the present month.

Which motion did not prevail.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Clark of Tippecanoe, Fouts, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lewis, Lowe, McConnell, McCord, McFarland, Mellett, Meredith, Montgomery, Murray, Peyton, Sanford, Sidwell, Smith of Perry, Spotswood, Sturgis, Tanner, Test, Thomas, Turner, Usry, Williamson, Wheeler, and Wood—53.

Those who voted in the negative were,

Messrs. Bartholomew, Brothwell, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Cotton, Dickerson, Ellis, Frazer, Hadsell, Logan, McClure, McMurry, Martin, Merrifield, Monks, Newcomb, Peckenpaugh, Schoonover, Shanks, Shryock, Smith of Lagrange, Studabaker, Tackett, Todd, Trusler, Wilson, and Mr. Speaker—29.

So the bill passed.

Mr. Frazer moved to amend the title of the bill so as to read as follows:

"An act to adjust the Gibson township claim and providing for the payment of the judgment of the Vincennes University against the State by issuing State bonds therefor,"

Which amendment was adopted.

The title as amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hudson,

House bill No. 93. A bill to amend an act, entitled "an act to authorize and regulate the business of general banking,"

Was taken from the files.

On motion by Mr. Carnahan.

A call of the House was made.

The following Members answered the call :

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Peck-enpauigh, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Williams, Wilson, Wheeler, Wood, and Mr. Speaker—86.

By consent, the further call was suspended.

The question then being,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brothwell, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Dickerson, Dunn, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hudson, Hume, King of Johnson, King of Madison, Landers, Lemmon, McClure, Merrifield, Murray, Sanford, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Sturgis, Thomas, Todd, Trusler, Turner, Usry, Williamson, and Wood—46.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Brazelton, Buchanan, Clark of Rush, Clark of Union, Davis, Fouts, Hester, Hillyer, Huffstetter, Humphreys, Hunt, Jeter, Lewis, Logan, Lowe, McCord, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Schoonover, Sidwell, Smith of Perry, Studabaker, Tackett, Tanner, Test, Wheeler, and Mr. Speaker—40.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Huffstetter,
The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Clark of Rush, moved to reconsider the vote on postponing

House bill No. 72. A bill to facilitate suits against the estate of foreign decedents' having no personal representatives in this State, Which motion prevailed.

The question then being on the indefinite postponement of the bill, it was not so postponed.

On motion by Mr. Clark of Rush,
The bill was referred to the committee on the judiciary.

House Bills on Third Reading.

No. 64. An act prescribing the manner of empanneling petit jurors, the numbers thereof, and repealing certain acts therein named,

Was read a third time, and

On motion by Mr. Hudson,

Was recommitted to the committee with the following instructions:

"Strike out all in relation to a jury fee."

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendments of the House to engrossed bill of the Senate

No. 21. A bill to adjust the Gibson Seminary township claim, and for quieting the title of Indiana University to the State University fund.

No. 67. A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for compensation of him to whom the custody of such insane person is committed,

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, and Mr. Speaker—80.

No one voting in the negative.

So the bill passed.

Mr. Newcomb moved to amend the title of the bill by striking out the word "time" and inserting "any person," in the last clause,

Which motion prevailed.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Newcomb moved to take from the files,

House bill No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents estates, pre-

scribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

Mr. Test, by unanimous consent of the House, offered the following amendment:

Strike out the words "after one year from the date of letters testamentary, or of administration upon the," and insert the words "at any time before final settlement;"

Which was unanimously adopted by the House.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpough, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Usry, Weir, Williamson, Wilson and Wood—81.

So the bill passed.

Mr. Newcomb moved to amend the title by adding the following thereto:

"And to enable executors and administrators to pay claims against estates, without the expense of unnecessary cost or litigation.

The title then, as amended, was adopted.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Huffstetter,

The order of business was suspended, to allow him to make the following report, from a select committee:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 9, "a bill authorizing railroad companies to create a preferred stock," and pending amendments thereto, have had the same under consideration, and a majority thereof, have instructed me to report

the same back with the accompanying amendment to the amendment, after the adoption of which amendments, they recommend the passage of the bill:

1st. Amend by adding the following provision to the second section:

Provided, That the board of directors of any railroad company before exercising the provisions by this act conferred, shall cause the stockholders thereof, to be notified by a publication for at least thirty days in a newspaper of general circulation, printed and published in the place where such company has its office, and in the newspapers of the several counties, through which the road runs, setting forth that at a time therein named, and at the principal office of such company a vote will be taken for the purpose of creating a preferred stock in such company, and if a majority of the stock voted shall be in favor of creating such preferred stock, then the board of directors of such company shall be authorized to act in the premises, and they may, if they deem it expedient and best, create a preferred stock or stocks.

2d. Amend the sixth section by adding the following proviso thereto:

Provided however, That stockholders shall have a preference for sixty days, in taking any and all preferred stock or stocks, that may be created under the provisions of this act.

Which amendments were concurred in, and the bill ordered to be engrossed.

Mr. Trusler moved to take from the table,

House bill No. 81. A bill to repeal the 10th section of an act, entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of the judges thereof," approved June 11th, 1852;

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, King of Johnson, McConnell, McFarland, McMurtry, Malick, Martin, Mellett, Meredith, Merri-field, Monks, Newcomb, Peckenpauqh, Sanford, Shanks, Shryock, Smith of Lagrange, Studabaker, Sturgis, Tackett, Test, Todd, Trusler, Turner, Weir, Wilson, Wheeler and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Crozier, Davis, Essex, Fouts, Gordon,

Hardin, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Montgomery, Peyton, Shull, Smith of Perry, Spotswood, Tanner, Usry, Williamson and Wood—30.

So the bill did not pass for want of a constitutional majority.

Mr. Bonner moved to suspend the order of business, to take from the table and place on the files,

House bill No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 56th section of the general act for the corporation of cities, to ratify the same.

Which motion prevailed.

Mr. Shryock moved to take from the files,

House bill No. 81. A bill to repeal the 10th section of an act, entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of the judges thereof," approved June 11th, 1852;

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hester, Hill-
yer, Humphreys, King of Johnson, King of Madison, McConnell, McFarland, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Spotswood, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Weir, Wilson, Wheeler, Wood and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Burnett, Carnahan, Cotton, Crozier, Essex, Gordon, Hargrove, Harryman, Hudson, Huffstetter, Hume, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Sturgis, Tanner, Usry and Williamson—28.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 136. A bill to enable cities which subscribed for stock in companies incorporated to construct works of public utility, under

the 56th section of the general act for the incorporation of cities, to ratify the same;

Was read a third time.

The bill was then, by unanimous consent, amended as follows:

Section 2d. That inasmuch as contracts have been entered into by cities which it is desired should be ratified or disaffirmed without delay, it is declared that an emergency exists in this case, and this act shall take effect from and after its passage.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, King of Madison, Landers, Lemmon, Lewis, McClure, McFarland, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Trusler, Turner, Usry, Weir, Williamson, Wood, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Clark of Tippecanoe, Humphreys, Wilson, and Mr. Speaker—4.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 79. "A bill to authorize guardians to mortgage the real estate of their wards to borrow money for their education and maintainance,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Buchanan, Burnett, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hunt, Jeter, King of Johnson, King of Madison, McConnell, McClure, McFarland, Mellett, Meredith, Merrifield,

Monks, Newcomb, Peckenpaugh, Sanford, Sidwell, Smith of Perry, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Wilson, Wood, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bonner, Carnahan, Clark of Jasper, Dunn, Hargrove, Humphreys, Landers, Lemmon, Lewis, Logan, Peyton, Schoonover, Shryock, Studabaker, Williamson, and Wheeler—17.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 89. A bill authorizing attachments in certain cases therein named, when the debt is not due,

Was read a third time.

Mr. Smith of Perry, moved to reconsider the vote on the engrossment of the bill,

Which motion prevailed.

On motion by Mr. Smith of Perry,

The bill was referred to the committee on the judiciary.

No. 87. "A bill regulating the fees of officers, and repealing former laws in relation thereto,"

Was read a third time.

By unanimous consent of the House the following amendment was adopted :

Amend by adding after "docket," in the provision concerning clerks fees in the settlement of decedents estates, these words, to-wit: "the title of an estate," and by inserting before "dockets" the word "appearances."

Mr. Hudson moved to re-commit the bill to the committee on fees and salaries, with the following instructions :

Strike out the following :

Sheriffs shall not be entitled to fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the same time such services are rendered,

Which motion did not prevail.

Mr. Weir moved to re-commit the bill to the committee with the following instructions :

"To amend so as to provide that when the fees of Clerks and Sheriffs shall amount to one thousand dollars per annum, or more, no extra allowance shall be made them,

Which did not prevail.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Carmahan, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Fouts, Frazer, Gifford, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, McConnell, McClure, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Tanner, Test, Thomas, Todd, Trueller, Turner, Wilson, Wood, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Clark of Tippecanoe, Landers, Studabaker, Usry, Weir, and Williamson—5.

So the bill passed.

Ordered. That the clerk inform the Senate thereof.

On motion by Mr. Merrifield,
The House adjourned till 9 o'clock on to-morrow morning.

WEDNESDAY MORNING, 9 O'CLOCK, }
February 14th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Murray,
The reading of the journal was dispensed with, and so adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Meredith,

A petition from sundry citizens of Wayne county, on the subject of temperance,

Which,

On motion by Mr. Meredith,
Was laid on the table without reading.

By Mr. Lemmon,

A petition from sundry citizens of Corydon, on the subject of a certain State road therein named ;

On motion by Mr. Lemmon,
The petition was referred to the committee on roads.

By Mr. Clark of Jasper,

A petition from sundry business men of Jasper county, on the subject of insurance companies ;

On motion by Mr. Clark of Jasper,
The petition was laid on the table.

By Mr. Clark of Tippecanoe,

A memorial from Henry Hall on the subject of a claim of Moorehead, Hall & Co., as set forth in accompanying papers ;

On motion by Mr. Clark of Tippecanoe,
The memorial was referred to the committee on claims.

By Mr. Meredith,

A petition from sundry business men of Wayne county on the subject of insurance companies ;

On motion by Mr. Meredith,
The petition was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means who were directed by a resolution of this House, to report a bill abolishing the office of township assessor, and to provide for the election of county asses-

sor, have directed me to report the following bill in conformity to the said resolution.

No. 183. A bill to amend the 64th, 65th, 66th, 67th, 70th, 71st, 72d, and 73d sections of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State, approved June 21st, 1852, so as to abolish the office of township assessor, and to provide for the election of county assessors.

Which report was concurred in, and the bill was read a first time and passed to a second reading.

Mr. Murray, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 104, entitled a bill to amend the title of an act entitled an act concerning licenses, &c., have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Murray, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 161, "a bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages," have had the same under consideration and have directed me to report the same back, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 147, entitled "a bill to prevent the carrying of concealed weapons, and prescribing penalties therefor," have amended the same by inserting after the words "fined in any sum not," the

words "less than five and not," and so amended, have instructed me to report it back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House resolution instructing them to inquire and report "whether the courts of common pleas of this State, have jurisdiction of divorce cases, and if said courts have not such jurisdiction, that said committee report a bill legalizing such divorces as may have been heretofore decreed by said courts," have had the same under consideration, and have instructed me to report, that said courts have not jurisdiction in such cases, under existing laws; that it is inexpedient to give them jurisdiction in such cases; and that in the opinion of your committee, any law of the character of that proposed by the resolution, would be wholly nugatory and void. And having fully reported, ask to be discharged.

The report was concurred in, and the committee discharged from further consideration thereof.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee, to whom was referred House joint resolution No. 6, entitled "a joint resolution relative to amending the constitution of the United States, providing for the election of President and Vice President by the people, &c," have had the same under consideration, and have directed me to report the same back, and to recommend its passage.

The report was concurred in, and the joint resolution ordered to be engrossed.

Mr. Smith of Perry, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 89, "a bill authorizing attachments in certain cases therein named, when the debt is not due," have had the same under consideration and have directed me to report the same back to the House, with the following amendment, and when amended to recommend its passage:

Strike out all of the second section after the word creditors in the 10th line thereof.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined bills Nos. 163, 102, 141, 150, 164, and 166, and joint resolutions Nos. 8 and 5, and find the same correctly engrossed.

Mr. Smith of Perry, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 156, entitled "a bill to authorize county auditors to make out lists of road taxes," have had the same under advisement, and have amended the title thereof by striking out the word "authorize" therefrom, and inserting in lieu thereof the word "require," and so amended, have directed me to report the same back to the House, and to recommend its passage,

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 119, a bill to provide for the punishment of persons interfering with trains on railroads, have had the same under consideration, and have directed me to report the same back to the House and to recommend its passage,

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House No. 130, entitled "a bill to save costs to minors, decedents estates, and oth-

ers, in reference to conveyances under judicial sales, and to repeal certain laws in reference thereto," have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement,

Which report was concurred in and the bill indefinitely postponed.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 100, entitled "a bill to amend section 540, of chapter 1, of the statutes of 1852," have had the same under advisement, and have directed me to report the same back, and recommend its passage,

Which report was concurred in.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 152, entitled "a bill to legalize transactions had under the revised statutes of A. D. 1852, and the acts of A. D. 1853, before the same became in force," have had the same under consideration, and have directed me report the same back, and recommend its indefinite postponement,

Which report was concurred in.

The question then being on the indefinite postponement of the bill, it was indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 4, "A bill to amend the Constitution of the State of Indiana," together with various resolutions on the same subject, with instructions to inquire whether the same is in the proper form or not, have had the same under consideration, and directed me to report that said committee are of the opinion that a joint resolution is the proper form for such amendments, and have directed me to report the following joint resolution as a substitute for said bill, and recommend its adoption:

House joint resolution No. 11. A joint resolution in relation to amending the Constitution of the State;

Was read a first time.

Mr. Hudson moved to suspend the rules and read the joint resolution a second time, by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were.

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hillyer, Hudson, King of Johnson, McConnell, McCord, McMurry, Malick, Mellet, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler, Wood and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Crozier, Davis, Dickerson, Gordon, Hester, Hume, Humphreys, Hunt, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Peyton, Studabaker, Sturgis, Tanner, Usry, Weir and Williamson—25.

So the rules were suspended, and the joint resolution read a second time by its title.

Mr. Carnahan moved to indefinitely postpone said joint resolution.

The question being on the indefinite postponement,

Messrs. Carnahan and Landers demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Carnahan, Crozier, Davis, Dunn, Gordon, Hargrove, Hester, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Weir, Williamson and Wheeler—33.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Cotton, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Had-

sell, Hall of, Warren, Hardin, Harryman, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Shryock, Smith of Lagrange, Spotswood, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wood and Mr. Speaker—53.

So the joint resolution was not so postponed.

On motion by Mr. Clark of Tippecanoe,

The joint resolution was laid on the table, and ordered that 500 copies be printed for the use of the members.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 27, with pending amendments, with instructions to inquire into the constitutionality of its provisions, have had the same under consideration and have directed me to report the same back to the House, and recommend that said amendments be adopted, and when so amended recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 127, entitled "a bill to amend the 596th section," &c., have had the same under advisement, and have instructed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 154, entitled "a bill to cure defects in certificates of acknowledgments of conveyances of real estate, in certain cases therein named," have had the same under consideration and have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 111, entitled "a bill to amend an act in relation to county treasurers," have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Hadsell, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Joseph Knefler, for making index to the second volume of revised statutes in the German language, ask leave to report that said claim was carefully examined, and said committee recommend that the committee on ways and means provide in the specific appropriation bill, for the payment of \$200, being the just amount of said claim, and that the committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Brazelton, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 160, "an act authorizing the construction of plank, macadamized, and gravel roads," have had the same under consideration, and direct me to report said bill with amendments embracing said instructions, and after the adoption of said amendments, recommend its passage.

Strike out all after the enacting clause and insert the following:

That it shall be lawful for any number of persons not less than three, to form themselves into a company under the act authorizing the construction of Plank, McAdamized and Gravel roads, for the purpose as well of purchasing and using a part or section of a road already built, or in process of building, as of constructing a new road.

SEC. 2. That it shall be lawful for any Plank, McAdamized, Turnpike or Gravel road company heretofore organized or hereafter to be organized, whether under a general or special charter,

to sell any part or section of their road, (two thirds of the directors of such company, or a majority in value of the stockholders present in person or by proxy, at any regular or called meeting concurring in such sale) to any other party or corporation, at such price, and upon such terms as may be mutually agreed upon; and to convey by deed, to such party or company, such portion or section of the road, so sold with all the rights, properties, and franchises thereto pertaining.

SEC. 3. That it shall be lawful for any Plank, McAdamized, Turnpike or Gravel road company, that has erected a bridge over any stream, crossed by said road, which has cost one thousand dollars or more, to charge the same tolls for passing over such bridge as is allowed for the travel on two miles of such road; and when such bridge has cost over 500 dollars and less than 1,000 dollars, the same tolls as are allowed for the travel over one mile of such road.

SEC. 4. That section 13 of the act authorizing the construction of Plank, McAdamized, Turnpike and Gravel roads, approved May 12th, 1852, which reads as follows:

SEC. 13. Whenever three consecutive miles of such road shall have been completed, or if the whole of said road shall be less than three miles in length, then in such case when the whole of such road shall be completed, the directors of such company may erect toll-gates, at such points, and at such distances from each other, as they may deem it proper, and exact toll from persons traveling on the road: but on any uncompleted road of less than five miles, tolls shall be charged one year only.

The tariff of tolls shall not exceed the following rates: for every sled, sleigh, carriage or vehicle drawn by one animal, one and a half cents per mile, and for every animal in addition thereto, one half cent per mile; for every horse and rider or led horse, one cent per mile; for every score of sheep or swine, two cents per mile; and for every score of neat cattle, mules or asses, five cents per mile. Persons going to and from funerals, soldiers of the United States or of this State, while in actual service, shall be exempt from toll.

Be amended and re-enacted to read as follows, to-wit:

SEC. 13. Whenever three consecutive miles of such road shall have been completed, or if the whole of said road shall be less than three miles in length, then, in such case, when the whole of such road shall be completed, the directors of such company may erect toll-gates at such points and at such distances from each other, as they may deem it proper, and exact toll from persons traveling on the road, and the tariff of tolls shall not exceed the following rates:

For every sled, sleigh, carriage, or other vehicle drawn by one horse, per mile, two cents.

And for every animal in addition thereto, three-fourth cents.

For every horse and rider, or led horse, one and one-half cents.

For every score of sheep or swine, five cents; and in the same ratio for a greater or less number.

For every score of neat cattle, mules or asses, ten cents; and in the same ratio for a greater or less number.

For every vehicle drawn by oxen, the same rate as is allowed on carriages drawn by horses.

SEC. 5. That any plank, McAdamized, and gravel road company in this State may have six years, instead of four years from the date of their organization, in which to complete their road.

SEC. 6. That section 15 of the act aforesaid, which reads as follows, to-wit:

SEC. 15. Such company may fill all vacancies accruing in their board of directors by resignation or otherwise, by the remaining directors, at any of their meetings, and may make, enact and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon such road, and the rules to be observed by persons in meeting and passing with teams and vehicles, and all other matters, including the time and place of holding elections and the manner in which they shall be conducted, which may be deemed for the welfare of such company. Rules, as well as toll rates for travel, shall be placed in full view, and legible and large letters upon, or in, each and all of the toll houses of the company on said road. Any person violating any ordinance or by-law made by such company, shall forfeit and pay to the company the sum of \$500, to be sued for and collected by such company in an action of debt, before any justice of the peace of the county where the offender may be found. The company may change the line of its road whenever it may deem it of public importance and for the improvement of the road, but shall not avoid the points mentioned in their articles of association. Such company may extend its road by procuring the consent of two-thirds of the stockholders, be amended and re-enacted to read as follows, to-wit:

SEC. 15. Such company may fill all vacancies occurring in their board of directors by resignation or otherwise, by the remaining directors, at any of their meetings, and may make, enact and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon such road, and the rules to be observed by persons in meeting or passing with teams and vehicles, and all other matters, including the times and places of holding elections, and the manner in which they shall be conducted, which may be deemed for the welfare of such company. Rules, as well as toll-rates for travel, shall be placed in full view, and legible and large letters upon, or in, each and all of the toll-houses of such company on said road. Any person violating any ordinance or by-law made by such company, shall forfeit and pay to such company any sum not exceeding one hundred dollars, to be sued for and collected by such company in an action of debt, before any justice of

the peace of the county where the offender may be found. The company may change the line of its road whenever it may deem it of public importance and for the improvement of the road, but shall not avoid the points mentioned in the article of association. Such company may extend its road by procuring the consent of two-thirds of the stockholders.

SEC. 7. That it shall be lawful for any plank, McAdamized, turupike or gravel road company, to erect toll-gates at such convenient points on their road as, in their judgment, will best protect the company against imposition and loss, though such gates should be less than five miles apart; and any such company may, at any time, abandon any part of their road, two-thirds of the directors approving of such abandonment.

SEC. 8. All plank, McAdamized or gravel road companies intended to be organized, and actually operating under the act of 12th of May, 1852, aforesaid, be, and the same are hereby legalized; and as it is deemed important that existing companies should have the immediate opportunity of availing themselves of the provisions of this act, an emergency is declared to exist, and this shall be in force from and after its passage.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Lowe, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 19, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. McFarland, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No: 88, a bill to amend the 14th section of chapter one hundred and one, approved June 17th, 1852, entitled "an act to enable trustees to receive land and donations, and convey the same for the use of schools, churches and religious societies," have had the same under consideration, and direct me to report the same back to the House with the following amendments, and recommend its passage as amended, to-wit:

Strike out the words "annual conference" in the 4th line, and strike out the words "quarterly or annual" in the 19th line.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred Senate bill No. 22, a bill to amend the 78th section of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, have had the same under consideration and direct me to report said bill back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Newcomb obtained leave and presented

A petition from sundry colored people of Indianapolis, on the subject of a division of the school fund.

On motion by Mr. Newcomb,

The petition was referred to the committee on education.

House Joint Resolutions Introduced.

Mr. Newcomb introduced.

Joint resolution No. 12. A joint resolution on the subject of prohibiting the importation of foreign liquors, except by consent of the several States,

Which was read a first time and passed to a second reading.

Mr. Clark of Rush, introduced

Joint resolution No. 13. A joint resolution on the subject of granting public lands without price, to *bona fide* settlers,

Which was read a first time and passed to a second reading.

Mr. Frazer introduced

Joint resolution No. 14. A joint resolution proposing to amend article 8 of the State constitution,

Which was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Gordon introduced

Bill No. 184. A bill to authorize county treasurers to refund to tax payers special school tax in certain cases,

Which was read a first time and passed to a second reading.

Mr. Lowe introduced

Bill No. 185. A bill to amend an act, entitled "an act provid-
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ing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,"

Which was read a first time and passed to a second reading.

Mr. Clark of Rush, introduced

Bill No. 186. A bill to amend the 17th section of the 5th chapter of part 3d of the revised statutes of 1852,

Which was read a first time and passed to a second reading.

• Mr. Murray obtained leave and introduced the following resolution :

Resolved, That after Wednesday of next week no new bill shall be introduced into this House unless by consent of two-thirds of the member of the House.

Which was not adopted.

Mr. McFarland introduced

Bill No. 187. A bill to authorize the assessment and collection of a tax upon dogs, the tax to constitute a fund for the compensation of owners of sheep destroyed by dogs, and for the encouragement of agricultural societies,

Which was read a first time and passed to a second reading.

Mr. McFarland introduced

Bill No. 188. A bill to encourage the improvement of the breed and stock of horses, and for the benefit of agricultural societies,

Which was read a first time and passed to a second reading.

Mr. Spotswood introduced

Bill No. 189. A bill for the relief of county recorders,

Which was read a first time and passed to a second reading.

Mr. Shanks introduced

Bill No. 190. A bill to protect the rights and privileges of the inhabitants of the State of Indiana, and to secure them from unlawful and improper arrests,

Which was read a first time and passed to a second reading.

Mr. Meredith introduced

Bill No. 191. A bill to establish a State Bank with branches,
Which was read a first time.

Mr. Meredith moved to suspend the rules that the bill might be read a second time by its title.

The question being put,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Cain, Clark of Jasper, Clark of Rush, Dickerson, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hall of Warren, Hardin, Hillyer, Hudson, King of Madison, Lewis, McConnell, McCord, McMurry, Malick, Mellet, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Tackett, Trusler, Turner, Wood, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Alden, Brothwell, Burnett, Carnahan, Clark of Steuben, Coen, Cotton, Crozier, Davis, Gordon, Hadsell, Hargrove, Harryman, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, Landers, Lemmon, Logan, Lowe, McClure, Schoonover, Studabaker, Sturgis, Tanner, Test, Thomas, Todd, Usry, Weir, Williamson, Wilson, and Wheeler—37.

So the rules were not suspended.

Mr. Cotton moved to reconsider the vote referring House bill No. 169, "a bill to amend section 1st of chapter 42, of the acts of 1853," approved February 14th, 1853, to the committee on the rights and privileges of the inhabitants of this State;

Which motion prevailed.

The question then being on the motion to refer the bill to said committee.

Mr. Cotton withdrew the same.

On motion by Mr. Cotton,

The bill was referred to the committee on the judiciary.

Mr. Cotton obtained leave and introduced the following resolution:

Resolved, That the Auditor of State be requested to report, at his earliest convenience, the amount of free bank bills issued and bonds surrendered, since he came into office; also, the amount of free bank paper in circulation, and the amount of bonds deposited for the redemption of the same.

Which was adopted.

Mr. Burnett obtained leave and introduced the following resolution:

Resolved, That the committee on agriculture be requested to in-

quire into the expediency of establishing a State agricultural college, endowed by a liberable area of land, provided with model farm buildings, and other collegiate buildings, in which shall be taught the science of agriculture, geology, chemistry, botany, agricultural and rural architecture, &c., &c.

Which was not adopted.

Mr. Hudson obtained leave and introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving courts of common pleas, jurisdiction to \$5,000 in civil cases.

Which was adopted.

Mr. Hester moved to take from the table,

House bill No. 117. A bill repealing "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and providing for the liquidation of banks operating under said act;

Which motion did not prevail.

House bill No. 90. A bill to amend sections 647 and 649 of article 36, of an act, entitled "an act to revise simplify and abridge the rules, pleading and practice, &c., in the courts of this State;"

Was read a third time,

When,

On motion by Mr. Lowe,

The bill was committed to the committee on the rights and privileges of the inhabitants of the State, with the following instructions:

"To insert a provision in said bill giving landlords a lien for the amount of their rent."

Mr. Smith of Perry obtained leave and offered the following resolution:

Resolved, That the clerk be directed to have 1,000 copies of the geological survey of this State, by Dr. Brown in 1854, printed for the use of this House;

Which was not adopted.

Bill No. 92. A bill to provide for the issuing of certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of loss or destruction of State certificates of stock.

Was read a third time, the question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hargrove, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Lowe, McCord, McClure, McMurry, Meredith, Merrifield, Montgomery, Newcomb, Peyton, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Todd, Turner, Weir, Williamson, Wilson, Wood and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Clark of Rush, Jeter, Landers, McConnell, Monks, Peck-enpaugh and Trusler—6.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

On motion by Mr. Sanford,
Mr. Buskirk was appointed Speaker, *pro-tempore*.

On motion by Mr. Hervey,
The order of business was suspended.

Mr. Hervey, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 148, "a bill to encourage and facilitate the payment of the Indiana five per cent. bonds," have had the same under consideration, and direct

me to report the same back, with the following amendments, after the adoption of which, they recommend its passage.

Amend by adding the following sections:

SEC. 13. The obligation of the State for the redemption of the five per cent. bonds shall be the same in every particular for the redemption of the notes issued thereon and they shall become due at the same time.

SEC. 14. The county treasurer shall not forward money paid over in accordance with the provisions of this act in a less sum than fifty dollars, but he shall forward all so paid over at one time, but if there shall not be that amount paid over, any person who may have paid any money over shall be entitled to receive the same back again. The Treasurer of State shall not pay over the money so forwarded until he shall have received the sum of five hundred dollars, and if he shall not receive that amount, he shall return what he has received to the counties from where it was forwarded, to be handed back by the county treasurer to the persons who deposited it.

SEC. 15. The county treasurer shall receive for his services in receiving, receipting for, and forwarding the money for the purposes above specified, and paying out the notes when forwarded, one per cent. on the money deposited, the Treasurer of State shall receive one-half of one per cent., the Agent of State shall receive one per cent., the Auditor of State one-half of one per cent., the Governor and the Secretary of State shall each be entitled to one-fourth of one per cent., and one per cent. shall be appropriated to the expense of striking said notes, and if that sum shall be more than is needed for that purpose, the surplus shall be paid back to the Treasurer of State, and be added to the general fund in his hands for the purposes herein specified. The county auditor shall be entitled to ten cents for each name he enters as a note-holder, and one cent for every note entered to one name above the number of ten; for a certificate of withdrawal to be transferred to another county ten cents, and for notifying the Treasurer of State that notes have been transferred to his book from another county twenty-five cents. All of the above fees per cent. are to be deducted from the money herein specified, and the county auditors' fees are to be paid by the persons to whom the services are rendered.

Mr. Murray moved to postpone the further consideration of the bill till Monday next at 2 o'clock P. M., and that the House consider the same in committee of the whole.

Which motion prevailed.

Mr. Coen moved to reconsider the vote rejecting a resolution in reference to printing 1000 copies of the geological report of Ryland T. Brown,

Which motion prevailed.

The question then being, shall the resolution be adopted?

It was agreed to.

Mr. Sturgis moved to take from the table

House bill No. 113. A bill to provide for the erection of a House of Refuge in the vicinity of Indianapolis.

Which motion prevailed.

Mr. Test moved to refer the bill to the committee on ways and means,

Which motion did not prevail.

Mr. Beach offered the following amendment:

Add to section second "*Provided* that said building shall not cost in the aggregate a sum exceeding ——— thousand dollars and said commissioners shall conform their estimates for the erection of said building strictly to this limitation,"

Which amendment was not adopted.

Mr. Murray moved to lay the bill upon the table,

Which motion prevailed.

On motion by Mr. Murray,

House bill No. 118. "A bill to provide a site, system of government and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders,"

Was taken up and read a second time,

Mr. Newcomb offered the following amendment:

Strike out of section 4 "four thousand" and insert "five thousand."

Mr. Meredith moved to refer the bill and pending amendment to the committee on ways and means.

Which motion prevailed.

The following message was received from the Senate by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, engrossed joint resolution of the House

No. 4. A joint resolution upon the subject of lands and increase of pensions for military services.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 42. A bill to enable parties to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof.

Also,

No. 112. A bill appropriating five thousand dollars per annum for the purpose of colonization, and to give additional power to the State board of colonization;

In which the concurrence of the House is respectfully requested.

Message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit:

No. 19. An act to amend the 1st and 4th sections of an act, entitled "An act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16th, 1852;

No. 57. An act supplemental to an act, entitled an "an act regarding estrays and articles adrift, and to provide compensation for the appraisal thereof," approved June 16th, 1852.

Which bill originated in the House of Representatives.

Mr. Monks obtained leave and introduced

Bill No. 192. An act to suspend an act, entitled "An act to adjust the Gibson township claim, and providing for the payment of the judgment of the Vincennes university against the State, by issuing State bonds therefor," approved February 13th, 1855;

Which was read a first time and passed to a second reading.

Senate bill No. 29. A bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies.

Mr. Frazer moved to suspend the rules and read the bill a first time by its title.

The question being upon the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Union, Crozier, Davis, Dickerson, Dunn, Ellis, Frazer, Gifford, Gilham, Hadsell, Hardin, Hargrove, Harryman, Hervey, Hillier, Hudson, Huffstetter, Hunt, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Williamson, Wilson, Wheeler and Wood—64.

Those who voted in the negative were,

Messrs. Carnahan, Cotton, Gordon, Hume, Lemmon, Tanner, Usry, Weir and Mr. Speaker—9.

So the rule was suspended, and the bill read a first time by its title.

Mr. Meredith moved to suspend the rule and read the bill a second time by its title.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Crozier, Dunn, Ellis, Frazer, Gifford, Gilham, Hadsell, Hall of Warren, Hardin, Harryman, Hester, Hillyer, Hudson, Hunt, King of Johnson, King of Madison, Landers, Lowe, McConnell, McCord, McClure, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Test, Thomas, Todd, Trusler, Turner, Usry, Wheeler and Wood—51.

Those who voted in the negative were,

Messrs. Alden, Clark of Rush, Cotton, Gordon, Hargrove, Hufstetter, Hume, Humphreys, Jeter, Lemmon, Lewis, Logan, Mellett, Shull, Tanner, Weir, Williamson, Wilson and Mr. Speaker—19.

So the bill was read a second time by its title.

Mr. Meredith moved to refer the bill to a select committee of five,

Which motion prevailed.

Messrs. Meredith, Frazer, Buskirk, Murray and Sturgis, were appointed said committee.

On motion by Mr. Turman,

Mr. Hall of Laporte was excused from attendance on the sessions of the House, on account of sickness.

On motion by Mr. Bonner,

The House adjourned till 9 o'clock on to-morrow morning.

THURSDAY MORNING, 9 o'clock, }
February 15th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Carnahan,

The reading of the journal of yesterday was dispensed with, and it was so adopted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Test,

Two petitions from Joseph M. Bulla and others, of Wayne county, on the subject of draining land;

On motion by Mr. Test,

The petitions were referred to the committee on agriculture.

The Speaker laid before the House a communication from the treasurer of Putnam county;

On motion by Mr. Buskirk,

The communication was laid on the table.

By Mr. Ellis,

A petition from sundry citizens of Wabash county, on the subject of plank roads;

On motion by Mr. Ellis.

The petition was referred to the committee on roads.

By Mr. Hunt,

A petition from several citizens of Madison county, on the subject of remitting interest on a certain judgment therein named;

On motion by Mr. Hunt,

The petition was referred to the committee on claims.

Mr. Buskirk moved to take from the table,

House bill No. 12. A bill to amend an act, entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852;

Which motion prevailed.

The question being on concurring in the report.

Mr. Newcomb offered the following amendment:

"Strike out the bill from the enacting clause, and insert the following:

That section fifty-six of an act, entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852, which reads as follows, to-wit:

Any person who shall undertake to act as insurance agent for any company, not incorporated under the laws of this State, shall first deposit with the recorder of the county, in which he proposes to establish his agency, an authenticated copy of a resolution or order of the board of directors of such company, authorizing any citizen or resident of Indiana, having a claim growing out of a contract of insurance, made with such agent therein, to sue for

the same in any court of this State, and consenting that service of process on such agent, shall have the same force and effect as if served upon the president and directors of such company; and he shall, also, file an authenticated copy of his commission or power of attorney, under which he claims to act as such agent, and any insurance made or procured to be made by such agent, or person acting in behalf, or as the medium of any foreign insurance company, contrary to the provisions of this section, shall be void;"

Be and the same is hereby amended to read as follows, to-wit:

That it shall not be lawful for any agent or agents of any insurance company, incorporated by any other State, than the State of Indiana, directly or indirectly, to take risks, or transact any business of insurance in this State without first producing a certificate of authority from the Auditor of State; and before obtaining such certificate, such agent or agents shall furnish the said auditor with a statement, under oath of the president or secretary of the company for which he or they may act, which statement shall show—

1st. The name and locality of the company.

2d. The amount of its capital stock.

3d. The amount of its capital stock paid up.

4th. The assets of the company, including,

First. The amount of cash on hand, and in the hands of agents or other persons.

Second. The real estate unincumbered.

Third. The bonds owned by the company, and how they are secured, with the rate of interest thereon.

Fourth. Debts to the company secured by mortgage.

Fifth. Debts otherwise secured.

Sixth. Debts for premiums.

Seventh. All other securities.

5th. The amount of liabilities due or not due, to banks or other creditors by the company.

6th. Losses adjusted and due.

7th. Losses adjusted and not due.

8th. Losses unadjusted.

9th. Losses in suspense, waiting for further proof.

10th. All other claims against the company.

11th. The greatest amount issued in any one risk.

12th. The greatest amount allowed by the rules of the company to be insured in any one city, town or village.

13th. The greatest amount allowed to be insured in any one block.

14th. The act of incorporation of such company.

15th. The gross amount of premiums received by such company during the six months ending on the first day of January and July in each year and the amount, after deducting expenses of transacting business.

16th. The aggregate of risk held by such company on the first days of January and July in each year.

Which statement shall be filed in the office of said auditor, together with a written statement under the seal of the company, signed by the president and secretary, authorizing such agent to acknowledge service of process for and in behalf of such company consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the company, according to the laws of this State, and waiving all claim of error, by reason of such service.

And no insurance company or agent, or agents of any insurance company incorporated by any other State, shall transact any business of insurance in this State, unless such company is possessed of at least one hundred thousand dollars of actual capital invested in stocks of at least par value, or in bonds or mortgages of real estate, with double the amount for which the same is mortgaged. And upon the filing of the aforesaid statement and instrument with the Auditor of State, and furnishing him with satisfactory evidence of such investment as aforesaid, it shall be the duty of said Auditor to issue a certificate thereof, with authority to transact business of insurance, to the agent or agents applying for the same.

SEC. 2. It shall be unlawful for any agent or agents for any company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State, without procuring a certificate of authority from the Auditor of State, such agent or agents having first filed, under oath, in the office of said Auditor, a statement setting forth the charter, or act of incorporation of the company, for which he or they may act, and the matters required to be specified by the first section of this act, and the within authority therein mentioned and furnished evidence to the satisfaction of the Auditor of State, that such company has invested in stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars. and that such stocks are held by citizens of the United States, and the said agent or agents of such company, filing said statement and furnishing any evidences of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

SEC. 3. It shall be the duty of the agent or agents in either of the foregoing sections mentioned, before taking any risks, or transacting any business of insurance in this State, to file in the office of the clerk of the Circuit Court in the county in which he or they may desire to establish an agency for such insurance company, a copy of the statement required to be filed with the Auditor of State, as aforesaid, together with the certificate of said Auditor, which shall be carefully preserved for public inspection of said clerk.

SEC. 4. The first statement and evidences required by this act shall be filed on or before the 15th day of April, in the year one thousand, eight hundred and fifty-five, and thereafter renewed semi-annually in the months of January and July in each; and

the Auditor of State on being satisfied that the capital securities remain secure as at first, shall furnish a renewal of certificate as aforesaid; and the agent or agents obtaining such certificate, shall file the same, together with the statement on which it was obtained or renewed, in the office of the clerk of the circuit court of the county in which such agency is established, and shall cause the same to be published in at least one newspaper of said county.

SEC. 5. Whenever any loss shall occur of any property insured by any company authorized to take risks under this act, it shall be the duty of the agent by whom the insurance was made, to retain in his possession all money belonging to such company, which may then be or may thereafter come into his possession, until such loss is adjusted and paid; *Provided*, That if suit shall be commenced by the party insured, against such company, the agent may deposit in court double the amount mentioned in the policy, to abide the event of the suit; or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss will not be paid, the agent may thereafter pay over to persons entitled the moneys of said company; and if any person insured by such company, meeting with a loss, shall notify any other agent of such company thereof, it shall be the duty of the agent to retain all moneys belonging to such company, which may then be or may thereafter come into his possession, as hereinbefore required of the agent with whom the insurance was effected.

SEC. 6. It shall be the duty of the president, or secretary, or general agent of any company authorized by this act to transact the business of insurance in this State, at the time of filing the semi-annual statement provided for in the 4th section of this act, in the month of January in each year, to file with the Auditor of State a statement under oath, showing the amount of premiums upon insurances made within this State by such company during the year next preceding; and to deposit with said Auditor five per cent. of the amount so received in solvent stock of its least par value, to be approved by the Auditor, until the sum of twenty-five thousand dollars is deposited as aforesaid, which said sum of twenty-five thousand dollars deposited as aforesaid, shall be held by the Auditor as a guarantee fund, for the benefit of such persons as may be insured by such company within this State; and the same, nor any part of the same so deposited, shall not be drawn out by the company depositing as aforesaid, until all claims for the losses, or premiums, or risks unexpired, shall be fully paid and discharged; and in case of the insolvency of any such company, the sums so deposited as aforesaid, shall be applied by the Auditor, *pro rata*, towards the payment of all claims filed in his office and duly authenticated against such company, alike as to losses and premiums on risks unexpired on policies issued within this State six months after such insolvency may occur, such company being deemed insolvent upon failure to pay undisputed losses insured

against within this State for the space of ninety days after a demand of payment, or for ninety days after the final judgment, such company shall be entitled to receive the interest on dividends on such stocks so deposited, from time to time, as the same may become due and payable.

SEC. 7. Whenever an agency of any such company is established in any incorporated city or town within this State, the person or persons acting as agent or agents for such company, shall on the first Monday in January in each year, file in the office of the clerk of such incorporated city or town, a statement, under oath, showing the amount of premiums received within the incorporated limits of said city or town, by such person or persons acting as such agent or agents, during the year immediately preceding, and shall within ten days thereafter, pay into the treasury of such incorporated city or town, two per cent. of the amount of premiums so received, which sums so paid by such agent or agents shall be appropriated under the direction of the trustees of such town, or the council of such city, for the use and benefit of any fire company or fire companies organized within such city or town. and for no other purpose whatever.

SEC. 8. That copies of all papers required by this act to be deposited in the office of the Auditor of State, certified under the hand of such Auditor to be true and correct copies of such papers, shall be received as evidence in all courts and places in the same manner and have the same force and effect as the originals would have if produced.

SEC. 9. Any person or persons violating the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisonment in the county jail not more than thirty days, or both at the discretion of the court. Violation of the provisions of this act may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury."

On motion by Mr. Hudson,

The bill and pending amendment were referred to a select committee of five, consisting of Messrs. Hudson, Murray, Newcomb, Hillyer, and Smith of Perry.

Mr. Trusler moved to reconsider a vote on the indefinite postponement of

House bill No. 161. A bill for the preservation and collection of the "trust and other funds of the State, and to provide for the substitution or mortgages,"

Which motion prevailed.

The question being on concurring in the report of the committee, It was not concurred in.

Mr. Newcomb moved to refer the bill to a select committee, Which motion prevailed.

Messrs. Newcomb, Buskirk and Frazer were appointed said committee.

On motion by Mr. Buskirk,
Leave of absence was granted Mr. Murray till to-morrow afternoon.

On motion by Mr. Murray,
Leave of absence was granted Mr. Buskirk till to-morrow afternoon.

Mr. Huffstetter, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred House bill No. 149, a bill providing for the sale for saline lands remaining unsold in this State, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 137, have had the same under consideration and have directed me to report the same back, and recommend its passage.

No. 137. A bill in relation to subscriptions to the stock of any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred Senate bill No. 48, have had the same under consideration and have directed me to report the same back, and recommend its passage.

Senate bill No. 46. A bill in relation to plank, macadamized, tram and gravel road companies.

The report was concurred in, and the bill passed to a third reading.

Mr. Tackett, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred House bill No. 132, "a bill relative to the leasing and renting of lands from landlord to tenant," have had the same under consideration and a majority of said committee have directed me to report that they deem any further legislation on that subject inexpedient, and recommend the indefinite postponement of the bill.

The question being on concurring in the report of the committee, Messrs. Test and Carnahan demanded the ayes and noes,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Clark of Rush, Clark of Union, Cotton, Dickerson, Dunn, Gilham, Hadsell, Hall of Laporte, Harryman, Hudson, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, McConnell, McMurry, Mellett, Meredith, Merrifield, Monks, Murray, Peckenpaugh, Peyton, Sanford, Sidwell, Shanks, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, and Turner—43.

Those who voted in the negative were,

Messrs. Alden, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Coen, Davis, Ellis, Essex, Fouts, Frazer, Gwinn, Hall of Warren, Hardin, Hargrove, Hillyer, Huffstetter, Hume, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, Malick, Montgomery, Newcomb, Shryock, Shull, Studabaker, Tanner, Usry, Weir, Williamson, Wilson, Wheeler, Wood, and Mr. Speaker—42.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 25, 61, 142, 153, 170, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, Feb. 15, 1855. }

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—In compliance with the resolution of the House "requiring the Auditor of State to report the amount of bills issued, and the amount of circulating notes of the various Banks cancelled since he came into office," I would respectfully report that there have been no bills issued by me; and, that the aggregate amount of the circulating notes of the various Free Banks as shown by the books of my predecessor, and as ascertained by the examining committee of your body, was at the time of assuming the duties of the office

\$4,581,833

Notes canceled since that time to the 13th inst., for

which bonds have been surrendered..... 628,159

Leaving in circulation..... \$3,953,674

Of which is of specie paying banks..... 1,589,253

Respectfully submitted,

H. E. TALBOTT.

On motion by Mr. Hudson,

The report was laid upon the table and 200 copies ordered to be printed.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 157, entitled "a bill to amend sections 5 and 6 of the act, entitled an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison, &c.," have had the same under consideration, and ask leave to report the same back to the House and recommend the adoption of the following amendment, to-wit:

That section 2 of the same be amended by adding the following: *And provided* further that all the right, title, and interest of the State in said road shall rest in said company, as aforesaid, subject to the payment of all debts specified in the next succeeding section of this act, which debts are hereby expressly declared to be a charge upon said interest when so conveyed,

And when so amended the committee recommend to the House the passage of said bill, and ask to be discharged from the further consideration of the same,

Which report was concurred in.

Mr. Jeter moved that the bill be indefinitely postponed.

On motion by Mr. Carnahan,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

The motion to indefinitely postpone House bill No. 157, a bill to amend section 586 of an act, entitled "an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison," was pending at adjournment.

The question being on the indefinite postponement of the bill, Messrs. Landers and Monks demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buchanan, Carnahan, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Frazer, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Huffstetter, Hume, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Miller, Monks, Peckenpaugh, Peden, Shull, Spotswood, Studabaker, Tanner, Thomas, Trusler, Usry, Weir, William-son, and Wilson—40.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Cain, Clark of Rush, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Hall of Laporte, Harryman, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, McConnell, McFarland, McMurry, Malick, Mellett, Meredith, Montgomery, Newcomb, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Sturgis, Tackett, Test, Todd, Turner, Wheeler, and Wood—47.

So the bill was not indefinitely postponed.

Mr. Monks, from the committee on ways and means made the following minority report:

MR. SPEAKER:

The undersigned a minority of the committee on ways and means, to whom was referred "House bill No. 157," entitled "a bill to amend sections 5 and 6 of an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison, &c.," would respectfully, but earnestly, report that said minority cannot for one moment believe it right said bill should pass for various reasons, some of which are here given:

First. It would *cancel* and *give* to said company *two hundred and twenty-five thousand dollars* which is due from said company to the State and a part of which should have been paid.

Secondly. The State has a mortgage on said road which amply secures the whole of said debt.

Mr. King of Johnson, moved to lay the bill on the table.

Which motion prevailed.

House Bills on Third Reading.

No. 18. A bill to amend an act for incorporation of county libraries,

Was read a third time.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Buchanan, Cain, Carnahan, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hudson, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Turner, Weir, and Wood—68.

Those who voted in the negative were,

Messrs. Clark of Rush, Clark of Tippecanoe, Gifford, Hester, Jeter, Landers, McConnell, Peden, Sims, Trusler, Usry, and Wilson—12.

So the bill passed.

Mr. Lowe moved to reconsider the vote upon the passage of said bill,

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Cain, Clark of Union, Coen, Dickerson, Dunn, Fouts, Hall of Laporte, Hardin, Hudson, Hunt, King of Johnson, King of Madison, McConnell, McFarland, Malick, Meredith, Miller, Peckenpaugh, Sanford, Shanks, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studa-

baker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Wheeler and Wood—48.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Buchanan, Carnahan, Clark of Rush, Clark of Steuben, Cotton, Davis, Ellis, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hargrove, Harryman, Hester, Hillyer, Huffstetter, Hume, Humphreys, Jeter, Landers, Lemmon, Lewis, Lowe, McClure, McMurry, Montgomery, Newcomb, Peden, Peyton, Sims, Shryock, Spotswood, Trusler, Usry and Weir—38.

So the bill did not pass for want of a constitutional majority.

No. 68. A bill providing for trial of causes in the several circuit courts, in cases in which the circuit judge is interested, or related to either of the parties, also providing for the holding of terms of courts, when such judge is absent or unable to attend, and repealing sections three and four of chapter four of the second volume of the revised statutes of 1852;

Was read a third time.

Mr. Hester moved that the bill be laid on the table,

Which did not prevail.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hillyer, Hudson, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, McConnell, McCord, McClure, McFarland, Malick, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Wheeler, Wood and Mr. Speaker—74.

Mr. Hunt voted in the negative.

So the bill passed.

Mr. McConnell moved to amend the title by adding the following, to-wit: "And providing for the compensation of persons holding such courts."

The title, as amended, was adopted.

Ordered, That the clerk inform the Senate thereof.

No. 112. A bill requiring the clerk of the supreme court to tax against and collect from the defendants in each of the cases therein submitted and determined in favor of this State, since the publication of the revised statutes thereof, for the year 1852, or so submitted and hereafter determined in that behalf, a docket fee of ten dollars for the benefit of the attorney, prosecuting or defending such cases;

Was read a third time.

On motion by Mr. Hester,

The bill was recommitted to the committee on the judiciary.

No. 110. A bill to amend the 32d section of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852;

Was read a third time.

Mr. King of Johnson, moved to recommit the bill with instructions to strike out that part making it an offense to buy lottery tickets,

Which motion did not prevail.

Mr. King of Johnson, moved that the bill be indefinitely postponed,

Which motion did not prevail.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hillier, King of Madison, Lewis, Logan, McCord, Malick, Meredith, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Thomas, Todd, Turner, Wood and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Buchanan, Hargrove, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, Landers, Lemmon, Lowe, McConnell, McClure, McFarland, McMurry, Miller, Montgomery, Shryock, Shull, Tanner, Test, Trusler, Usry, Weir and Wheeler—26.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gilham moved to reconsider the vote on said bill

Which motion did not prevail.

No. 88. A bill to amend an act, entitled "an act to enable trustees to secure lands and donations, and convey the same for the use of schools, churches, religious societies, masonic and odd fellows' lodges, sons and daughters of temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned," approved June 17th, 1852. Chapter 101, to amend the 14th section of said act.

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Carnahan, Clark of Jasper, Clark of Steuben, Gordon, Hester, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, McClure, McFarland, Miller, Peckenaugh, Shull, Smith of Perry, Spotswood, Stanton, Usry, Weir and Mr. Speaker—24.

Those who voted in the negative were,

Messrs. Bartholomew, Branham, Brazelton, Brothwell, Cain, Clark of Rush, Clark of Union, Coen, Cotton, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hudson, Huffstetter, Lemmon, Lewis, Logan, McConnell, McCord, McMurry, Malick, Martin, Monks, Montgomery, Newcomb, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Studabaker, Tanner, Test, Todd, Trusler, Turner, Williamson, Wilson, Wheeler and Wood—54.

So the bill did not pass.

On motion by Mr. Logan,

Mr. Tanner was added to the committee on claims.

On motion by Mr. Hadsell,

Mr. Clark of Steuben was added to the committee on claims.

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchant's Bank in the city of New York, and to pay \$5,716 90 due with interest;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton,

Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, King of Madison, Logan, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Newcomb, Peckenpaugh, Peyton, Sanford, Sims, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Test, Todd, Turner, Williamson, Wheeler and Wood—58.

Those who voted in the negative were,

Messrs. Gifford, Gordon, Hester, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, Jeter, King of Johnson, Landers, Lemmon, Lowe, McFarland, Miller, Shull, Trusler, Usry, Weir, Wilson and Mr. Speaker—21.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Bonner, chairman of the committee on the affairs of the State Prison, obtained leave and made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to whom was referred so much of the Governor's message as relates to the State prison, and also divers and sundry petitions upon the same subject, have had the same under careful consideration, and have directed me to report to the House the accompanying bills and earnestly recommend their passage:

No. 193. A bill to provide for the election of officers for the State prison, and for the appraisement of the property of said prison;

Which was read a first time and passed to a second reading.

Also,

Bill No. 194. A bill to provide for the government and discipline of the State prison;

Which was read a first time and passed to a second reading.

On motion by Mr. Beach,

Leave of absence was granted to Mr. Merrifield.

On motion by Mr. Carnahan,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 O'CLOCK, }
February 16th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Hudson,
The reading of the journal was dispensed with, and so adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House bill No. 118, a bill to provide a site, system of government, and plans for the erection of a State house of refuge for the correction and reformation of juvenile offenders, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended, to recommend its passage:

Insert the following section:

Strike out the word "thirty," and insert the word "thirty-five," in the 6th line of the 2d section.

SEC. 2. The said officers of State may also take into consideration any proposed donation of land, and any proposed donations of money or materials towards the erection of such buildings, from any county, or from the citizens of any county, but shall not be wholly governed by such proposed donations; but shall select that point that shall combine economy to the State, with the several requisites mentioned in the preceding section; and should said officers of State accept said donations, they shall proceed to secure the same to the State in the manner that may seem most advisable.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills

Nos. 9 and 160, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House joint resolution No. 9, House bills Nos. 127, 154 and 156, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 95, entitled a bill to provide for the greater security of the funds of the State in the hands of the Agent of State, have had the same under consideration, and report the same back to the House with the amendments thereto and recommend its passage, and ask to be discharged from the further consideration of the subject;

The report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 70, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

No. 70. A bill to amend the 17th, 20th and 36th sections of an act, entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House

bill No. 169, entitled "a bill to amend section 1st of chapter 42 of the acts of 1853," approved February 14th, 1853, have had the same under consideration, and have directed me to report the same back to the House and recommend that the same be indefinitely postponed.

On motion by Mr. Clark of Rush,
The bill was laid upon the table.

Mr. Essex, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills Nos. 119 and 140, and find the same correctly engrossed.

Mr. Shanks, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 62, "a bill to authorize master commissioners to take acknowledgments of deeds," with an accompanying resolution, directing your committee to grant such powers and establish such duties as masters in chancery had by the laws of 1853, have had the matter under consideration, and report the following amendment; after the same is concurred in, recommend its passage:

Strike out all after the enacting clause and insert the following:

That the judges of the circuit courts and courts of common pleas in their respective circuits and districts may appoint as many master commissioners as such judges may deem necessary, who shall receive the appointment in writing from the judge making the same.

SEC. 2. Every person appointed a master commissioner, shall take the oath required by the constitution and laws of this State, before he shall proceed to discharge the duties of his office, and such oath shall be entered at full length on the order book of the court, by which he may be appointed.

SEC. 3. Such master commissioners are empowered to administer all oaths, and affirmations which are required by law; to take and certify affidavits and depositions; to issue subpœnas for witnesses, whose testimony is to be taken before them, and shall have the same power to compel the attendance of witnesses, and punish contempts, as is given to the justices of the peace.

SEC. 4. All subpœnas and process necessary to the exercise of the duties of a master commissioner, shall be executed and returned by the sheriff or any constable of the county to whom the same may be directed.

SEC. 5. Master commissioners shall have authority within their respective counties, to take acknowledgment of deeds, mortgages, and other instruments of writing, to the same extent and with the same powers and authorities, now granted to justices of the peace.

SEC. 6. Whenever a reference of a matter is made to a commissioner to examine and report thereon, the party, at whose instance or for whose benefit the reference is made, shall cause such matter to be presented to the commissioner, within the time limited by the court for such hearing, and if such party shall omit so to do, the adverse party shall be at liberty forthwith to cause proceedings to be had before the commissioner, at the costs of the party procuring the reference.

SEC. 7. Upon every such reference it shall be the duty of the commissioner, as soon as possible after the same is brought before him, to assign a time and place for proceeding therein, and to give due notice thereof to each of the parties, or their counsel, and if either party shall fail to appear at the time and place appointed, the commissioner shall have liberty to proceed *ex parte*, or in his discretion to adjourn the examination and proceeding to a future day, giving notice to the absent party or to his counsel of such adjournment.

SEC. 8. It shall be the duty of the commissioner to proceed with all reasonable diligence in every such reference, and with the least possible delay, and either party shall be at liberty to apply to the court for an order to the commissioner to speed the proceedings, and to make his report, and to certify to the court the reasons for any delay, in the matters or causes so referred.

SEC. 9. The master commissioner shall regulate all the proceedings in every hearing before him, upon every such reference, and he shall have full authority—

1st. To examine the parties in the cause, upon oath, touching all matters contained in the reference.

2d. To require the production of all books, papers, writings, vouchers and documents relating to such matters.

3d. To examine on oath, *viva voce*, all witnesses produced by the parties before him.

4th. To order the deposition of witnesses to be read before him, to be taken under a *dedimus*, to be issued upon his certificate from the clerk's office, such depositions to be taken as in other cases.

5th. When not specially instructed by the court, he shall direct the mode in which the matters requiring evidence shall be proved before him.

6th. To administer all oaths and affirmations, and generally to do all other acts and direct all other inquiries and proceeding in the matters before him, which may be necessary and proper, to the justice and merits of the case and the rights of the parties.

SEC. 10. All persons accounting before a commissioner shall bring in their respective accounts in the form of debtor and cred-

itor, and any of the other parties who shall not be satisfied with the accounts so brought in, shall be at liberty to examine the accounting parties, *viva voce*, or by interrogations filed with the commissioner, or by deposition, as the master commissioner shall direct.

SEC. 11. All affidavits, depositions and documents, which have been previously made or used in the court upon any proceeding in any cause or matter, or when so directed by the court, may be used before the commissioner.

SEC. 12. The commissioner shall be at liberty to examine any creditor or other person, coming in to claim before him either upon written interrogation or *viva voce*, or in both modes, as the nature of the case may appear to him to require, and all written interrogations shall be answered on oath, in writing.

SEC. 13. The evidence upon any such examination shall be taken down by the commissioner, or by some other person by his order in his presence, if either party require it, in order that the same may be used by the court if necessary.

SEC. 14. In the reports made by the commissioner to the court, no part of any state of facts, charge, deposition, affidavit, examination or answer brought in or used before him, shall be stated or recited; but such state of facts, charge, affidavit, deposition, examination or answer, shall be identified, specified and referred to, so as to inform the court what state of facts, charge, affidavit, deposition, examination or answer, were so brought in or used before the commissioner.

SEC. 15. The commissioner, as soon as his report is ready, shall return the same into the clerk's office, and such report shall be filed by the clerk, and the return thereof noticed on the order book of the court.

SEC. 16. Exception to the report of the commissioner shall be filed within such time as the court shall allow, and if no exception be filed within such time, the report shall stand confirmed; such exceptions shall stand for hearing at the term at which they are filed in vacation, at the next term after such filing.

SEC. 17. Costs on allowing and overruling exceptions, shall be paid by the party against whom the court shall direct the same to be taxed.

SEC. 18. The fees of witnesses before the commissioner, and for issuing process for their attendance, shall be the same as allowed in cases in the circuit court, and for all matters and services done by the commissioner, or which shall occur out of court on account of such reference, and for which no fee is fixed by law, the court shall allow a reasonable compensation, and all such fees and costs shall constitute a part of, and be taxed with, the costs of such cause.

SEC. 19. The court may require commissioners to dispose of property, real and personal, trustees and receivers, when the same is not otherwise provided by law, to give bond and security in such

manner and with such penalty for the payment over of all moneys which may come to their hands, and for the due performance of their duties as the court shall direct.

SEC. 20. Such bond shall be made payable to the State of Indiana, and shall be for the benefit of all other persons affected or aggrieved by any act or malconduct of the person required to give such bond, and suits may be maintained and judgment given therein as in the case of bonds of offices or trustees, who are required by law to give bond.

SEC. 21. All laws in conflict with this act be, and the same are hereby repealed.

The report was concurred in, and the amendment adopted.

Mr. Shanks moved that the bill be considered as engrossed, and read a third time;

Which motion did not prevail.

The bill was then ordered to be engrossed.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of this State, to whom was referred Senate bill No. 31, a bill repealing an act therein named, and reinstating the former trustees of the town of Clarksville in their powers, duties and rights, having duly considered the same, direct me to report the same back to the House, and recommend its reference to the committee on the judiciary;

Which report was concurred in, and the bill and report referred to the committee on the judiciary.

Mr. McConnell, from the committee on the organization of the courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of the courts of justice, to whom was referred House bill No 64. prescribing the manner of impanneling petit jurors, the numbers thereof, and repealing certain acts therein named, with instructions thereto, have had the same under consideration, and when so amended, unanimously direct me to report the same back, and recommend its passage.

Amend by striking out all in relation to "a jury fee."

The report was concurred in, and the amendment adopted.

On motion by Mr. Test,

The bill was laid upon the table.

Mr. Wheeler, from the committee on swamp lands, made the following report:

MR. SPEAKER :

The committee on swamp lands to whom was referred House bill No. 134, entitled "a bill to provide for the construction of drains from the land of one person over that of another, and the assessment and payment of damages, occasioned thereby," have examined the provisions of said bill and not being entirely satisfied as to the constitutionality thereof, have directed me to report the same back, and ask that it be referred to the committee on the judiciary.

Which report was concurred in.

Mr. Fouts, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 18, entitled a bill to repeal an act, entitled "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853, have had the same under consideration and have directed me to report the same back and recommend its indefinite postponement.

Mr. McConnell, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred a communication of Isaac Naylor, agent of the grand masonic lodge of the State of Indiana, upon the subject of the erection of a monument, already commenced by said lodge, to perpetuate the memory of Colonels Joseph H. Daviess, Abram Owen, Stephen Mears, — Randolph, Captains Spear, Spencer, Bacon, and all other patriots and soldiers, who fell in the memorable battle of Tippecanoe on the 7th of November, in the year 1811, have had the same under consideration, and direct me to report that taking into view the fact that the Hon. John Tipton, gratefully remembering the services of his fellow soldiers who so nobly fought side by side with him upon the battle field of Tippecanoe, embraced the first opportunity and purchased the grounds where repose the valiant dead, the chivalrous spirit of that patriotic soldier generously donated it to the State of Indiana, that she might claim it as the burial place of her own and the sons of her sister State, that she might watch and guard it with the jealous care and affection of a vigilant and doating parent, that she might beautify and adorn it in a fitting manner, so as to tell the living that there sleep some of Indiana's and Kentucky's noblest and bravest sons. Your committee are unanimously of the opinion that it is the wish of the people and the duty of the Legislature

to aid said lodge by a liberal donation in causing to be erected upon said battle ground such a monument as will do honor to our State, to the living and to the noble dead, that while it shall hallow the spot of the patriots grave it will stand as an enduring memento of Indiana's gratitude to the soldiers who fell in defence of her frontier settlements with her most wily and savage foe.

Your committee are of the opinion that for the purpose of carrying out so laudable an undertaking of aiding in building the said monument, have directed me to report the accompanying bill, and earnestly recommend its passage :

No. 195. A bill making an appropriation to aid in the erection of a monument on the Tippecanoe battle ground, and providing a plan for the same.

The report was concurred in, and the bill was read a first time.

Mr. McConnell moved to suspend the rules and read the bill a second time by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Beach, Buchanan, Clark of Tippecanoe, Coen, Ellis, Fouts, Gilham, Hall of Warren, Hardin, Harryman, Hester, Hillyer, Hudson, Jeter, King of Johnson, Lowe, McConnell, McFarland, McMurry, Meredith, Newcomb, Peden, Sanford, Shryock, Smith of Lagrange, Smith of Perry, Tanner, Trusler, Weir, Wilson, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Bonner, Brazelton, Brothwell, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Cotton, Crozier, Davis, Dickerson, Essex, Gwinn, Hargrove, Huffstetter, Hume, Humphreys, Hunt, King of Madison, Landers, Lemmon, Lewis, Logan, McCord, Malick, Martin, Mellett, Montgomery, Peyton, Sidwell, Shanks, Shull, Spotswood, Stanton, Studabaker, Tackett, Thomas, Todd, Turner, Usry, Williamson, Wheeler, and Wood—44.

So the rules were not suspended.

Mr. Sanford, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred joint resolution No. 10, entitled "a joint resolution asking Congress to give a credit for the duties on railroad iron," have had the same under consideration, and a majority of said committee, while dissenting from the principle upon which such action by Congress is asked, as a general

rule, they are of the opinion that the interests of the State would be promoted by such action, and have directed me to report said resolution back and recommend its passage.

Mr. Sanford moved to suspend the order of business and take up

House bill No. 34. A bill to repeal an act prohibiting evidence of Negroes and Indians,

Which motion prevailed.

On motion by Mr. Sanford,

Said bill was referred to a select committee, consisting of Messrs. Sanford, Smith of Perry, Brazelton, Shanks, and Hadsell.

House Bills on Third Reading.

No. 121. A bill to provide for the re-location of county seats and for the erection of public buildings in counties in cases of such re-location,

Was read a third time,

Mr. Fouts moved to re-commit the bill to a select committee, with instructions to inquire into the expediency of amending the same as follows:

Strike out all after the enacting clause and insert the following, to-wit:

"That whenever three-fifths of the legal voters of any county in this State, shall by written petition, request the Board of Commissioners of their county to re-locate the county seat of such county, designating in such petition the site where such re-location is desired, and shall procure the conveyance to such Board by deed with good title of a lot of ground, containing not less than three acres, as a site for the county buildings, and a lot of not less than one-fourth of an acre for a county prison, to be held by such board exclusively for that purpose, and shall also secure to be paid to such board a sum not less than ten thousand dollars to defray the cost and expense of erecting all the necessary county buildings upon such site. Then such board shall proceed to erect a court house, with suitable offices for clerk, recorder, auditor, and treasurer, and a county prison upon such site, in manner following:

SEC. 2. That when such petition is presented and such deed and securities are filed as before prescribed, such board shall employ a competent architect to prepare plans, specifications and estimates suitable for such new county buildings. All the buildings erected under the provisions of this act, shall be of brick or stone, and the county offices shall be made fire-proof, or as nearly so as practicable, and such plans, specifications and estimates shall be presented to the said board of commissioners at its next session after the presenting of such petition, and at the same session said board shall direct the auditor to advertise immediately in the newspapers of said county if any there be, or if none, then in the nearest newspaper of general circulation, and by posting in six public places in

said county, for sealed proposals for the erection of such buildings according to said plans and specifications, such proposals to be presented to said board at its next regular session.

SEC. 3. At the said session when such proposals are to be filed, such board shall contract in writing with some person or persons for the erection of such buildings upon the best and most favorable terms to be had, and shall take a bond or bonds from such contractors in the penalty of ———, with good security, conditioned to complete such buildings according to the stipulations of the said contract, the buildings to be completed within one year from the time such contract is made. And the said board shall also employ a competent person to superintend the erection of such buildings and to see that the terms of such contract are complied with.

SEC. 4. Such Board may direct the county treasurer to collect and receive the said sum of not less than ten thousand dollars, secured as set out in the first section of this act, and may pay the same over to the contractors from time to time as the work progresses, reserving a sufficient sum to secure the completion of the said buildings.

SEC. 5. So soon as said buildings are completed at the end of the one year named in section third of this act the county commissioners shall cause all the books, papers and furniture of the several county officers, and of the several courts of the county, and of the county prison and the occupants of such prison, to such new buildings, and from the time of such removal such new site shall become and be held at and treated as the seat of justice of such county.

The bill and amendment were so committed.

No. 25. A bill to repeal section 3d of an act, entitled "An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State;

Was read a third time,

When,

On motion by Mr. Hester,

The bill was laid on the table.

No. 39. A bill to enable railroad companies to settle with their creditors, and convey part of their roads in satisfaction of mortgages, and to enable vendees to hold and enjoy the same;

Was read a third time.

Mr. Clark of Rush, moved to amend section 1st by adding the following thereto:

Provide!, That no such compromise or conveyance shall be made until thirty days notice have been given of the intention so to do, by publication in some newspaper published in this State, in the county in which the principal office of such company is kept.

Which amendment was adopted by unanimous consent.

Mr. Clark of Rush, offered the following amendment:

SEC. —. That section 706, on page 193 of the 2d vol. of the revised statutes of 1852, which reads as follows, to-wit: "When any person, corporation or company, design to construct a canal, or railroad, or turnpike, graded or McAdamized, or plank road, or bridge, or establish a ferry as a work of public utility, although for private profit, being authorized by law to take real property therefor, such person, corporation or company, may have a writ of assessment of damages," be so amended as to extend and be made applicable to the cases mentioned in this act;

Which was not adopted.

The question then being, shall the bill as amended pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Huffstetter, Hume, Landers, Lemmon, Lewis, McConnell, McCord, Mellett, Meredith, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Spotswood, Studabaker, Test, Thomas, Turner, Wheeler, Wood, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Beach, Essex, Gifford, Hardin, Hudson, Hunt, King of Johnson, King of Madison, Logan, Lowe, McClure, McFarland, Malick, Miller, Peyton, Shryock, Sturgis, and Todd—18.

So the bill passed.

Mr. Clark of Rush, moved to amend the title of said bill as follows:

Amend by striking out the title, and in lieu thereof inserting the following: A bill to enable railroad companies to compromise with mortgagees and convey part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way, when the road has been built before such right of way is fully settled for, and to enable the vendees on such settlement and conveyance to hold and enjoy the part so conveyed in satisfaction of such mortgage;

Which was adopted.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Test moved to take up

House bill No. 117. A bill repealing an act to authorize and regulate the business of general banking, approved May 28th, 1852, and providing for the liquidation of banks operating under said act; Which motion prevailed.

On motion by Mr. Test,

The bill was referred to a select committee of one from each Congressional district.

Messrs. Test, Hester, Hardin, Peckenpaugh, Bonner, Tackett, Wier, Wilson, Dunn, Cotton and Ellis, were appointed said committee.

No. 61. A bill to authorize township assessors to correct errors in assessment of real estate;

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Coen, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Hadsell, Hall of Warren, Harryman, Hillyer, Hudson, Jeter, King of Johnson, Landers, Logan, McConnell, McCord, McFarland, McMurphy, Malick, Mellett, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Trusler, Turner, Wheeler, Wood and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Brazelton, Carnahan, Cotton, Frazer, Gordon, Gwinn, Hester, Huffstetter, Hume, King of Madison, Lemmon, Lewis, Lowe, McClure, McFarland, Martin, Newcomb, Sturgis, Tanner, Todd, Usry, Williamson and Wilson—23.

So the bill passed.

Mr. Smith of Perry, moved to amend the title as follows:

An act to amend the 71st section of an act, entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of Treasurer and Auditor of State," approved June 21st, 1853, so as to authorize assessors to correct errors in assessments of real estate.

Which was adopted.

The title, as amended, was adopted.

Ordered, That the Clerk inform the Senate thereof.

No. 66. A bill for the relief of Henry Wells, treasurer of the county of Lake.

Was read a third time, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Dunn, Ellis, Essex, Fouts, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Jeter, Lewis, Logan, Lowe, McConnell, McClure, Martin, Meredith, Miller, Montgomery, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Spotswood, Studabaker, Tanner, Todd, Turner, Wheeler and Wood—46.

Those who voted in the negative were,

Messrs. Bonner, Frazer, Gifford, Gilham, Gordon, Gwinn, Hillyer, Hume, Landers, Lemmon, McFarland, Malick, Mellet, Monks, Newcomb, Peckenpaugh, Peden, Peyton, Shull, Sturgis, Trusler, Usry, Weir, Williamson, Wilson and Mr. Speaker—27.

So the bill did not pass for want of a constitutional majority.

No. 100. A bill to amend section 540, of chapter 1st, of the revised statutes of 1852.

Was read a third time, and the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Huffstetter, Hume, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Malick, Martin, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Thomas, Trusler, Turner, Weir, Williamson, Wilson, Wood and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Branham, Brazelton, Dickerson, Landers, Shull, Todd and Usry—7.

So the bill passed.

On motion by Mr. Hester,

The title was amended by adding to it as follows:

And to provide for changing the docketing justices judgments, from the execution to the judgment docket of the court of common pleas.

The question then being upon the adoption of the title,
It was adopted.

Ordered, That the clerk inform the Senate thereof.

No. 102. A bill to amend section 17 and part of section 18, of an act incorporating the Lagro, Marion and Jonesboro plank road company.

Was read a third time,

Mr. Sanford moved to recommit the bill to a select committee of three, with the following instructions, to-wit:

Amend the bill so as to make it a special amendment to the charter of said company.

Which motion prevailed.

No. 106. A bill to repeal an act, entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof."

Was read a third time, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Cotton, Davis, Dunn, Ellis, Gifford, Gilham, Hadrell, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Logan, McConnell, Mellett, Meredith, Monks, Newcomb, Peden, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Tackett, Test, Thomas, Todd, Trusler, Turner, Wood, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Clark of Tippecanoe, Coen, Crozier, Dickerson, Earl, Essex, Frazer, Gwinn, Hardin, Hargrove, Hester, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis,

Lowe, McClure, McFarland, Miller, Peckenpaugh, Peyton, Sanford, Shanks, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, Williamson, and Wilson—35.

So the bill did not pass for want of a constitutional majority.

No. 167. A bill in relation to the duties of prosecuting attorneys, and allowing docket fees in criminal cases in the supreme court;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Buskirk, Clark of Tippecanoe, Ellis, Frazer, Gifford, Hervey, Hester, Hillyer, McConnell, McFarland, Martin, Meredith, Monks, Newcomb, Peden, Sanford, Sims, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Trusler, Usry, Wilson, Wheeler and Wood—31.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Mellett, Miller, Montgomery, Peckenpaugh, Peyton, Shanks, Shull, Tackett, Todd, Turner, Williamson, and Mr. Speaker—52.

So the bill did not pass.

Mr. Hillyer asked leave to introduce a resolution;

Which was not granted.

No. 108. A bill to provide for issuing fee bills and executions, against sureties on appeal bonds in the supreme court;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buskirk, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Gordon, Hadsell, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McFarland, Monks, Newcomb, Peck-

enpangh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Perry, Spotswood, Stanton, Test, Thomas, Todd, Turner and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Carnahan, Clark of Jasper, Clark of Steuben, Cotton, Crozier, Davis, Dickerson, Ellis, Gifford, Gilham, Gwinn, Hargrove, Hester, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McCord, McClure, Martin, Mellett, Miller, Montgomery, Peden, Peyton, Smith of Lagrange, Studabaker, Sturgis, Tanner, Trusler, Usry, Weir, Williamson, Wilson, Wheeler and Wood—43.

So the bill did not pass.

No. 119. An act to provide for the punishment of persons interfering with trains on railroads ;

Was read a third time.

Mr. Carnahan moved that the bill be indefinitely postponed ;

Which did not prevail.

The question then being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Logan, McConnell, McCord, McFarland, Malick, Mellett, Meredith, Monks, Newcomb, Peckenaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Weir, Williamson, Wilson, Wood and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Buskirk, Carnahan, Clark of Jasper, Cotton, Essex, Hargrove, Hester, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, McClure, Miller, Montgomery, Peyton, Tanner, Usry and Wheeler—23.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Gifford,

Mr. Fouts was added to the select committee on the relocation of county seats.

No. 120. A bill to amend the 21st section of an act prescribing the duties of justices of the peace in criminal prosecutions, approved May 29th, 1852;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hardin, Harryman, Hervey, Hillyer, Hudson, King of Madison, Lowe, McConnell, Mellett, Meredith, Miller, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shanks, Shroock, Spotswood, Studabaker, Test, Todd, Trusler, Usry, Williamson and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Gordon, Hargrove, Hester, Huffstetter, Hume, Hunt, Jeter, King of Johnson, Lemmon, Lewis, Logan, McClure, McFarland, Monks, Smith of Perry, Turner, Wilson, Wheeler and Wood—19.

So the bill passed.

Mr. Hervey moved to amend the title, so as to read as follows:

So as to enable justices to obtain mileage in making returns;

Which was adopted.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Hester,

Mr. Weir was added to the select committee on House bill No. 117.

On motion by Mr. Humphreys,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

Bill No. 143. A bill fixing the time of holding the courts in the common pleas district composed of the counties of Tippecanoe and White.

Also,

Bill No. 145. A bill to extend the time of holding courts of common pleas in the county of Tipton, at its March term, 1855.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 67. A bill to provide for the confinement of persons insane and dangerous, when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed, with one engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House.

No. 94. A bill to amend the 41st section of an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852, with sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Which amendments of the Senate were unanimously concurred in.

Mr. Clark of Tippecanoe moved to suspend the order of business, and take up

Senate bill No. 143. A bill fixing the time of holding courts in the common pleas district, composed of the counties of Tippecanoe and White;

Which motion prevailed, and

The bill read a first time.

Mr. Clark of Tippecanoe then moved to suspend the rule and read the bill a second time by its title,

The question being upon the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Landers, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, McFarland, Malick, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wood and Mr. Speaker—70.

Those who voted in the negative were,

Messrs Dickerson and Shanks—2.

So the rule was suspended, the bill read a second time by its title, considered as engrossed, and passed to a third reading on tomorrow.

Senate bill No. 145. An act to extend the time of holding courts of common pleas in the county of Tipton, at its March term, 1855;

Was read a first time.

Mr. Murray moved to suspend the rule and read the bill a second time by its title.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Trusler, Turner, Usry, Weir, Wood and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Brazelton, Carnahan, Dickerson and Todd—4.

So the rule was suspended, the bill read a second time, and passed to a third reading, on to-morrow.

Mr. Lowe obtained leave and presented a petition from sundry citizens of Gibson county, asking to be attached to Warrick county, and also a remonstrance from sundry citizens of Warrick county, protesting against the passage of "House bill No. 75," and in opposition to being attached to Gibson county,

Which,

On motion by Mr. Lowe,

Were referred to a select committee on that subject.

Mr. Newcomb moved to suspend the rules to take up

House bill No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees;

Which motion prevailed.

The bill was read a third time, and the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Mellett, Miller, Monks, Montgomery, Newcomb, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Wheeler, Wood and Mr. Speaker—73.

Messrs. Gordon and Wilson voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Stanton obtained leave and introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to

report a bill providing that the county jails of this State shall not be used for the purpose of confining and safely keeping persons arrested as fugitive slaves.

Mr. Hester moved to lay the resolution on the table.

Messrs. Stanton and Hall of Warren demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs Alden, Bonner, Branham, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Gordon, Hall of Laporte, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Sidwell, Shull, Smith of Perry, Studabaker, Tanner, Trusler, Weir, Williamson, Wheeler, and Wood—46.

Those who voted in the negative were,

Messrs. Beach, Brazelton, Brothwell, Buchanan, Burnett, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dunn, Gwinn, Hadsell, Hall of Warren, Hervey, King of Johnson, McFarland, Mellett, Monks, Newcomb, Peden, Sanford, Sims, Shanks, Smith of Lagrange, Spotswood, Stanton, Test, Thomas, Todd, Turner, Usry, and Mr. Speaker—33.

So the resolution was laid on the table.

Mr. Wood offered the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law some more efficient means of preserving the public records pertaining to the several State and county offices during a vacancy in any of said offices occasioned by the death of the incumbent, or otherwise, and to report by bill or otherwise.

Mr. Lowe obtained leave and offered the following resolution :

Resolved, That the committee on accounts and mileage be instructed to compute the mileage of members on the nearest route by which a public conveyance can be obtained,
Which was not adopted.

Mr. McConnell offered the following resolution :

Resolved, That the committee on the judiciary be instructed to so amend the 4th clause of section 103, 2d volume of the re-

vised statutes of 1852, so as to give to the State the right in all criminal cases to conclude the argument, and report by bill or otherwise,

Which,

On motion by Mr. Test,
Was laid on the table.

Mr. Spottswood obtained leave and introduced the following resolution :

Resolved, That on and after Monday next this House will hold night sessions,

Which was not adopted.

Mr. Thomas obtained leave and introduced the following resolution :

Resolved, That there be no further resolutions nor bills introduced until the files are cleared, unless immediately connected with those on file,

Which was not adopted.

Mr. Hillyer obtained leave and introduced the following resolution :

Resolved, That on and after Monday the 19th this House will meet at 8½ o'clock A. M. and 1 o'clock P. M.

Mr. Test moved that the resolution be laid upon the table.

Messrs. Hillyer and Landers demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Branham, Cain, Carnahan, Clark of Steuben, Clark of Union, Cotton, Crozier, Davis, Dickerson, Hargrove, Harryman, Huffstetter, Hume, King of Johnson, Lemmon, Lewis, Logan, Lowe, McFarland, Sidwell, Shryock, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Usry, Wilson, Wheeler, and Wood—33.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Buchanan, Burnett, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Coen, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hester, Hillyer, Hunt, Jeter, King of Madison, Landers, McConnell, McCord, Mc-

Clure, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shanks, Shull, Trusler, Turner, and Weir—45.

The question then being on the adoption of the resolution,
It was not adopted.

House bill No. 123. A bill to authorize courts to appoint counsel to defend poor persons arraigned on criminal charges, and to make compensation therefor; and also to assign assistant counsel to prosecute in criminal cases, and to allow compensation for such service to be paid out of the county treasury,

Was read a third time, and
The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brothwell, Buchanan, Clark of Rush, Clark of Steuben, Clark of Union, Dunn, Fouts, Gilham, Hadsell, Hardin, Hervey, Hillyer, King of Johnson, Logan, Lowe, McConnell, McCord, Mellett, Newcomb, Peden, Sanford, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Studalaker, Tackett, Test, Thomas, Trusler, Turner, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Alden, Branham, Brazelton, Cain, Carnahan, Clark of Jasper, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Gifford, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, McClure, McFarland, Miller, Monks, Montgomery, Peckenpaugh, Peyton, Sidwell, Spotswood, Tanner, Todd, Usry, Weir, Williamson, Wilson, Wheeler, and Wood—47.

So the bill did not pass.

No. 127. A bill to amend the 596th section of chapter 1st and article 29th of the revised statutes of 1852, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852;

Was read a third time.

The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Mellett, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Weir, Williamson, Wilson, Wheeler, Wood and Mr. Speaker—83.

Mr. Peden voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties;

Was read a third time.

Mr. Smith of Perry, moved, by unanimous consent, to amend said bill by striking out the emergency clause;

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hillyer, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Mellett, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood and Mr. Speaker—83.

No one voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 141. A bill to reduce the width of the Michigan road;
Was read a third time.
The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McFarland, Malick, Martin, Mellett, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrangé, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Turner, Usry, Weir, Williamson, Wilson, Wheeler, Wood and Mr. Speaker—82.

Those who voted in the negative were,

Messrs. Clark of Rush, Dunn, Hardin, Hargrove, Hudson, McConnell, Test, Todd and Trusler—9.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 142. A bill to require county treasurers to collect from the clerk of the circuit and common pleas courts and justices of the peace in their respective counties, all unclaimed fines and fees;
Was read a third time.
Mr. Hester moved to lay the bill on the table;
Which motion prevailed.

No. 145. A bill to legalize, confirm, and declare valid all sales of real estate, all settlements of decedents' estates, and any and all acts done by any person, office, corporation or association of persons, which may have been done in conformity with any amendatory act passed during the 37th session of the General Assembly of the State of Indiana;
Was read a third time, and
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Cain, Clark of Steuben, Clark of Tip-

pecanoe, Clark of Union, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Hadsell, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hunt, Lewis, McCord, Martin, Miller, Monks, Newcomb, Peckenpaugh, Peden, Peyton, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Test, Todd, Trusler, Turner, Wheeler and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Burnett, Buskirk, Carnahan, Clark of Jasper, Coen, Cotton, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hester, Hume, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McConnell, McClure, Malick, Miller, Montgomery, Murray, Sanford, Sidwell, Shull, Tanner, Thomas, Usry, Williamson, Wilson and Wood—40.

So the bill did not pass.

Mr. Sanford moved to reconsider the vote on House bill 145,
Which motion prevailed.
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Ellis, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, King of Johnson, King of Madison, Lewis, Logan, Lowe, McCord, McClure, Malick, Martin, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Todd, Trusler, Turner, Usry, Weir, Wheeler, Wood and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Carnahan, Dunn, Hester, Jeter, Landers, Lemmon, McConnell, Murray, Shanks, Tanner, Thomas, Williamson and Wilson—13.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 150. A bill to authorize county commissioners, in their
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respective counties, to sell the land in which the surplus revenue fund belonging to common schools has been invested, and to reinvest the proceeds;

Was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Branham, Brazelton, Brothwell, Buchanan, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Shanks, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Weir, Wilson, Wood and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Gifford, Murray and Test—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 153. A bill prohibiting adult persons from gaming or wagering with minors, and prescribing that such adult, on conviction, shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from all liabilities for such gaming and wagering, in case the minor is a witness against such adult as may be charged;

Was read a third time,

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Mellett, Mere-

dith, Miller, Monks, Montgomery, Murray Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler and Wood—81.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 154. A bill to cure defects in certificates of acknowledgments of conveyances of real estate in certain cases therein named;
Was read a third time,
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Lemmon, Lewis, Lowe, McConnell, McCord, McClure, Malick, Mellett, Meredith, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Thomas, Trusler, Turner, Weir, Williamson, Wheeler, and Wood—66.

Those who voted in the negative were,

Messrs. Carnahan, Hester, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Logan, Miller, Montgomery, Tanner, and Usry—13.

So the bill passed.

Mr. Smith of Perry moved to amend the title by striking out all after the word "act," and inserting the following: "To cure defects in the acknowledgment of deeds or in the certificates of acknowledgment to conveyances of real estate in certain cases therein named,"

Which motion prevailed.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.]

No. 156. An act to authorize county auditors to make out lists of road taxes,

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Clark of Rush, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hervey, Hillyer, Hunt, Jeter, King of Johnson, King of Madison, McConnell, McCord, Martin, Mellett, Meredith, Miller, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Thomas, Todd, Trusler, Turner, Williamson, Wheeler, Wood, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Buskirk, Carnahan, Hargrove, Huffstetter, Hume, Landers, Lemmon, Lewis, Newcomb, Studabaker, Tanner, and Usry—12.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 160. A bill to amend the act entitled "an act authorizing the construction of plank, macadamized and gravel roads,"

Was read a third time.

Mr. Meredith moved to amend section 5 by striking out the words "six years" and inserting the words "ten years,"

Which amendment was, by unanimous consent, adopted.

Mr. Test offered the following amendment to the bill:

"SEC. 8. The benefit of the provisions of this act shall not extend to the central plank road company heretofore constructed, unless said company shall agree to pass free of toll, the officers, persons, and teams connected with the public Asylums of the State and the business thereof,"

Which was, by unanimous consent of the House, adopted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn,

Hadsell, Hall of Laporte, Hall of Warren, Hardin, Harryman, Hillyer, Hudson, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McCord, Monks, Murray, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Test, Thomas, Trusler, Turner, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Union, Cotton, Davis, Essex, Gifford, Gordon, Hargrove, Hervey, Huffstetter, Hume, Hunt, King of Johnson, Lowe, McClure, Martin, Montgomery, Newcomb, Peden, Peyton, Smith of Perry, Studabaker, Tackett, Tanner, Todd, Usry, Williamson, Wilson, Wheeler, and Wood—30.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 163. A bill to amend the 54th section of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Was read a third time.

Mr. Hester moved to lay the bill on the table;

Which motion did not prevail.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Frazer, Gifford, Gilham, Gordon, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, King of Johnson, King of Madison, Landers, Lemmon, McConnell, Malick, Meredith, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Test, Thomas, Trusler, Turner, Williamson and Wheeler—58.

Those who voted in the negative were,

Messrs. Alden, Beach, Bonner, Brothwell, Carnahan, Davis, Essex, Gwinn, Hadsell, Huffstetter, Hume, Hunt, Jeter, Lewis, Logan, Lowe, McCord, McClure, Martin, Miller, Montgomery, Peden, Peyton, Smith of Lagrange, Todd, Usry, Wilson and Wood—29.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shryock moved to reconsider the vote on House bill No. 160, a bill to amend the act entitled "an act authorizing the construction of plank, McAdamized and gravel roads;"

Which motion did not prevail.

Mr. Test moved to reconsider the vote adopting the title to said bill;

Which motion prevailed.

Mr. Test moved to amend the title as follows:

"And to empower the same to make sale of a portion of their roads;"

Which was adopted.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

No. 9. A bill authorizing railroad companies to create a preferred stock;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hester, Hillyer, Hudson, Huffstetter, Jeter, King of Johnson, Landers, Lemmon, Logan, McConnell, Malick, Martin, Meredith, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler and Wood—65.

Those who voted in the negative were.

Messrs. Alden, Bonner, Burnett, Crozier, Davis, Ellis, Gordon, Hardin, Hargrove, Hudson, Hume, Hunt, King of Madison, Lewis, McCord, McClure, Mellett, Montgomery, Peden, Shanks, Smith of Lagrange, Tanner, Usry, Williamson and Mr. Speaker—23.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Bonner obtained leave and introduced

Bill No. 196. A bill to authorize the Governor to contract for

the completion of the cells and cell house at the State prison and appropriating a sum of money for the same,

Which was read a first time and passed to a second reading.

Mr. Coen obtained leave and introduced

Bill No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c..

Which was read a first time and passed to a second reading.

Mr. Gordon obtained leave and introduced

Bill No. 198. A bill to amend the sixty-third section of an act, entitled "an act for the incorporation of cities," approved June 18, 1852,

Which was read a first time and passed to a second reading.

Mr. Logan obtained leave and made the following report from the committee on claims:

MR. SPEAKER:

The committee on claims to whom was referred the memorial of Henry Hall, a citizen of Tippecanoe county, who prays the General Assembly to pass a law to adjust the claim of Morehead, Hall & Co., as set forth in the accompanying documents, have had the same under consideration, and they recommend that the memorial and accompanying documents be referred to the committee on canals and internal improvements, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

On motion by Mr. Hudson,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
February 17th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Fouts,

The reading of the journal was dispensed with, and so adopted.

On motion by Mr. Hudson,

The order of business was suspended and Senate bills taken up.

Messages from the Senate by Mr. Turman, their Secretary:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 62. A bill to amend the 11th and 18th sections of an act, entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies formed in pursuance of an act, entitled "an act to provide for the incorporation of railroad companies," approved May 11th, 1852.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 138. A bill to fix the time of holding the circuit courts in the 9th judicial circuit.

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor,

Also,

No. 130. A bill to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas courts being interested, back to said common pleas courts,

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 125. A bill to amend section 21 of an act, entitled "an act to incorporate the Franklin and White River Turnpike Company."

Also,

No. 127. A bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks,

Also,

No. 108. A bill relating to the reversal of judgments against convicts in the State prison,

Also,

No. 136. A bill to provide for the surrender and exchange of the certificates of Stock of the State of Indiana.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 61. A bill to amend sections 20 and 30 of an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852, and to increase the compensation for labor,

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendments, viz :

No. 5. A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents estates, prescribing the rights and liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852,

Also,

No. 136. A bill to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 56th section of the general act for the incorporation of cities, and to ratify the same.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 29. A bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies,

Also,

No. 99. A bill to amend section 11 of an act, entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State ; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852, on the subject of limitations in civil actions,

Also,

No. 103 A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane of Indiana, approved January 15th, 1852,

Also,

No. 104. A bill to provide for the sale, under execution or order of sale, of any house or other building belonging to the defendant but situated on land not owned by him, and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rents in certain cases,

Also,

No. 109. A bill to subject the corporate franchises of plank road and turnpike companies to sale on execution,

In which the concurrence of the House is respectfully requested.

Senate bill No. 42. "A bill to enable persons to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof;"

Was read a first time and passed to a second reading.

Mr. Tackett obtained leave of absence for Mr. Williamson.

Senate Bills on First Reading.

No. 62. A bill to amend the 11th and 18th sections of an act, entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852;

Was read a first time and passed to a second reading.

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11th, 1852;

Was read a first time and passed to a second reading.

No. 108. "A bill relating to the reversal of judgments against convicts in the State prison;"

Was read a first time, and passed to a second reading.

No. 136. "An act to provide for the surrender and exchange of the certificates of stock of the State of Indiana;"

Was read a first time and passed to a second reading.

No. 127. A bill defining the duties and fees of notaries public in the case of protest of the notes of suspended banks;

Was read a first time.

Mr. Beach moved to suspend the rules and read the bill a second time.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Union, Coen, Cot-

ton, Dickerson, Dunn, Fouts, Gifford, Gwinn, Hadsell, Hall of Warren, Hargrove, Hervey, Hudson, Huffstetter, Hunt, Jeter, King of Madison, Lewis, Logan, Malick, Mellett, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wheeler, Wood and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Steuben, Crozier, Davis, Gordon, Hume, Landers, Lemmon, Lowe, McClure, McMurry, Miller, Montgomery and Peden—14.

So the rules were suspended and the bill read a second time.

Mr. Newcomb moved to suspend the rules and read the bill a third time.

The question being upon the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Logan, Lowe, McCord, McClure, McMurry, Malick, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Weir, Wheeler, Wood and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Martin, Peden and Walpole—3.

So the rules were suspended and the bill read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman,

Hervey, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, Malick, Martin, Miller, Monks, Montgomery, Murry, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Studabaker, Tackett, Thomas, Todd, Turner, Usry, Wheeler, Wood and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Clark of Rush, Landers, McMurry, Meredith, Peden, Smith of Perry, Tanner, Trusler, Walpole and Weir—10.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 125. A bill to amend section 21 of an act, entitled "an act to incorporate the Franklin and White river turnpike company;
Was read a first time and passed to a second reading.

No. 112. A bill appropriating \$5,000 per annum for the purpose of colonization, and to give additional power to the State board of colonization;

Was read a first time and passed to a second reading.

No. 138. A bill to fix the time of holding the circuit courts in the 9th judicial circuit;

Was read a first time and passed to a second reading.

No. 61. A bill to amend sections 20 and 30 of an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18th, 1852, and to increase the compensation for labor;

Was read a first time and passed to a second reading.

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor;

Was read a first time and passed to a second reading.

No. 130. A bill to authorize the re-transfer of settlements of decedents estates, guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas courts to the circuit courts, on account of the judges of said common pleas being interested, back to said common pleas courts;

Was read a first time and passed to a second reading.

No. 99. A bill to amend section 211, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and

forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, on the subject of limitations of civil actions;"

Was read a first time and passed to a second reading.

No. 103. A bill to amend section 19 of an act for the government of the Indiana hospital for the insane, approved Jan. 15th, 1852;

Was read a first time and passed to a second reading.

No. 104. A bill to provide for the sale under execution, or order of sale, of any house or other building belonging to the defendant, but situated on land not owned by him, and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rent in certain cases;

Was read a first time and passed to a second reading.

No. 109. A bill to subject the corporate franchises of plank road and turnpike company, to sale and execution;

Was read a first time and passed to a second reading.

Mr. Smith of Perry moved to suspend the order of business,
Which motion prevailed.

Mr. Smith of Perry then moved to reconsider the vote on the engrossment of House bill No. 95, "a bill to provide for greater security of the funds of the State, in the hands of the agent of State;"

Which motion prevailed.

On motion by Mr. Smith of Perry,

The bill was referred to the committee on ways and means.

House Joint Resolutions on Third Reading.

No. 9. A joint resolution on the subject of naturalization laws:
Was read a third time.

Mr. Buskirk moved the previous question,
Which was seconded by the House.

So the main question was put.

The question being,

Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Brazelton, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Frazer, Gordon, Hardin, Hargrove, Hester, Huffstetter, Hume, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Miller, Montgomery,

Peyton, Schoonover, Shull, Smith of Perry, Stanton, Studabaker, Tanner, Turner, Usry and Wheeler—35.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McCord, Mellett, Meredith, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Tackett, Thomas, Todd, Trusler, Wood and Mr. Speaker—46.

So the joint resolution did not pass.

Mr. Hall of Warren obtained leave and presented a petition from certain citizens of Warren county on the subject of the State stock banks;

Which was,

On motion by Mr. Hall of Warren,

Referred to the committee on banks.

Mr. Thomas, from the committee on swamp lands, obtained leave and made the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred House bill No. 165, a bill supplemental to an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852, have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended to recommend its passage:

Strike out from the enacting clause and insert the following:

That it shall be the duty of the commissioner of swamp lands, of any county in which swamp lands may be overflowed, by the backing up of any water from any mill dam, race or artificial obstruction, so as to render the draining thereof impracticable, whether such lands are sold, or remain unsold, to proceed with the engineer employed by him, and ascertain the number of acres so overflowed, and make report thereof, under oath, to the county treasurer of the county in which such lands lie, stating in such report, the number of acres thus overflowed, the name of the person or persons who are in possession of, or who maintain and keep up said obstruction.

SEC. 2. It shall be the duty of the treasurer immediately on the filing of said report to cause suit to be instituted against such per-

son, or persons, who are in possession of, or who keep and maintain such mill-dam or other obstruction, or any one of such persons, in the name of the State of Indiana, and shall employ counsel to attend to the prosecution of the same, and the report thus filed by the commissioner and engineer shall be presumptive proof of the facts therein contained.

SEC. 3. And the trial shall be conducted in all respects as other civil causes are tried, and in case the defendant or defendants are found guilty of overflowing the swamp land in the complaint mentioned, the judgment of the court shall be that the defendant or defendants pay the costs of the suit, and that the mill-dam or other obstruction, or so much thereof as shall be necessary to allow the water to flow off from said swamp lands, shall be removed.

SEC. 4. It shall be the duty of the clerk of the court, in which such judgment is rendered, after the expiration of ten days from the rendition of such judgment, in case said mill-dam or obstruction is not removed, to issue a writ reciting the judgment of the court, and directing the sheriff to proceed forthwith and remove so much of the mill-dam or other obstruction as will be necessary to permit the water to flow off from said swamp land. From all decisions of the court in the trial of the aforesaid actions, an appeal shall lie as in other civil actions.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Hudson,

Leave of absence was granted until Monday 2 o'clock P. M. to Messrs. Burnett and Lowe.

On motion by Mr. Buskirk,

Mr. Gifford obtained leave of absence until Monday next 2 o'clock P. M.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, obtained leave and made the following report :

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 159, "a bill to establish tobacco inspectors in the State of Indiana," have had the same under advisement, and direct me to report said bill back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Buskirk, from the committee on ways and means, obtained leave and made the following report:

MR. SPEAKER :

The committee to whom was referred House bill No. 97, entitled "an act to provide for the listing of the stock and other property of railroad companies, and for the collection of taxes thereon," have had the same under consideration and report the same back to the House and recommend the adoption of the following amendments, to-wit :

1st. After the word county in the 6th line of the 7th section of said act insert the words "school road."

2d. *Provided* that nothing herein contained shall be so construed as to authorize any railroad company to deduct their indebtedness from the amount of their capital stock.

And when so amended said committee recommend to the House the passage of the bill, and ask leave to be discharged from the further consideration thereof.

The report was concurred in and the amendments adopted.

The bill was ordered to be engrossed.

House Joint Resolutions on Third Reading.

No. 5. A joint resolution in relation to cheap ocean postage,
Was read a third time.

Pending the consideration of said joint resolution,

On motion by Mr. Hall of Warren,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Newcomb obtained leave and introduced

Bill No. 199. A bill to repeal sections 2 and 3 of an act, entitled "an act to regulate the retailing of spirituous liquors and for the suppression of evils arising therefrom," approved March 4th, 1853, and declaring all licenses issued under such act, null and void from and after the first Monday of April next,

Which was read a first time and passed to a second reading.

Mr. Hester obtained leave and introduced

Bill No. 200. A bill amending an act, entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852, and providing that the widow of any decedent shall make her election in case her husband shall have died testate, between his will and the provisions made for her by law,

Which was read a first time and passed to a second reading.

Mr. Jeter obtained leave and offered the following resolution :

Resolved, That the committee on the judiciary be required to report back on Monday morning House bill No. 78.

Which was adopted.

On motion by Mr. Sanford,
Leave of absence was granted to Mr. Monks.

The Speaker ordered a call of the House.

The Clerk proceeded with the call, when the following members answered to the call :

Messrs. Alden, Bartholomew, Beach, Bonner, Brothwell, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Hume, Jeter, King of Madison, Landers, Lemmon, Logan, Lowe, McCord, McClure, Malick, Martin, Mellett, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Walpole, Weir, Wilson, Wood, and Mr. Speaker—67.

On motion, a further call was suspended.

Mr. Newcomb, from the committee on the organization of courts of justice, obtained leave and made the following report :

MR. SPEAKER :

The committee on the organization of courts of justice, to whom was referred House bill No. 167, entitled a bill to amend section 6 of an act entitled an act to provide for the election of a reporter, and speedy publication of the decisions of the supreme court, have had the same under consideration, and have directed me to recommend that the bill be stricken out from its enacting clause and the following substitute inserted :

HJ-35.

That section 5 of an act entitled "an act to provide for the election of a reporter, and a speedy publication of the decisions of the supreme court, and for the compensation of such reporter," approved February 5th, 1852, which reads as follows: "Whenever such printed report shall, without dividing the decisions made at any one term, make not less than six hundred pages, the reporter shall add an index thereto and cause the same to be bound in good law binding into a volume, to be styled 'Indiana Reports,' and shall forthwith deliver to the Secretary of State for the use of the State, five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: three copies to the clerk's office of the circuit court of each county within this State, two copies of which shall be for the use of the courts of each county, and the other copy for the use of the county library thereof, and one copy to each college in this State, and the residue of such volumes he shall cause to be deposited in the State library," he amended so as to read as follows:

"Whenever such printed report shall make not less than six hundred pages, the reporter shall add an index thereto and cause the same to be bound in good law binding into a volume, to be styled 'Indiana Reports,' and shall forthwith deliver to the Secretary of State for the use of the State, five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: three copies to the clerk's office of the circuit court of each county within this State, two copies of which shall be for the use of the courts of such county, and the other copy for the use of the county library thereof, and one copy to each college in this State, and the residue of such volumes he shall cause to be deposited in the State library. And be it further enacted that section 6 of said act, which reads as follows:

The account of the reporter shall be audited and paid out of any money in the treasury not otherwise appropriated, at the rate of three dollars for each bound volume, and for each stitched copy as provided for in the fourth section of this act, at the same rate per printed page, estimating a bound volume at six hundred pages, be, and is hereby amended so as to read as follows:

"The account of the reporter shall be audited and paid out of any money in the treasury not otherwise appropriated, at the rate of one-half cent per printed page of each bound volume, and for each stitched copy as provided for in the fourth section of this act, at the same rate per printed page."

It is hereby declared that an emergency exists requiring the immediate taking effect of this act, and the same shall therefore be in force from and after its passage.

Mr. Hudson moved to refer the report to the committee on the judiciary;

Which motion prevailed.

Mr. Buskirk presented a claim of Ezekiel D. Logan;

Which,

On motion by Mr. Buskirk,

Was referred to the committee on ways and means.

The question at the time of adjournment being, shall joint resolution No. 5, in relation to ocean postage pass?

It was taken up.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Fouts, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Hervey, Hester, Hudson, Hume, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, Malick, Martin, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Shryock, Shull, Smith of Perry, Stanton, Studabaker, Thomas, Todd, Turner, Weir, Wood and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Harryman, Jeter, King of Madison, Peden, Schoonover, Tackett, Wilson and Wheeler—8.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Branham moved to take from the table,

House bill No. 157. A bill to amend sections 5 and 6 of an act, entitled "an act to enable the Madison and Indianapolis railroad company to avoid the inclined plane at Madison, to provide for the interest of the State in said railroad, and to repeal so far as affects the Madison and Indianapolis railroad company, the 55th and 58th sections of the act, entitled 'an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer,'" approved Jan. 28th, 1842, approved Feb. 28th, 1852.

Also, to provide for the prompt payment of the floating or unfunded debts of said company, and also the debts of the Columbus and Shelby railroad company, and to enable the Madison and Indianapolis railroad company to receive, hold, and dispose of a certain amount of stock in said Columbus and Shelby railroad company;

Which motion prevailed.

On motion by Mr. Branham,

The bill was referred to a select committee, consisting of Messrs.

Branham, Sturgis, Williamson, Fouts, Tanner, Walpole, Humphreys, Clark of Tippecanoe, Hall of Laporte, Gilham, Clark of Rush, and Mellett.

Mr. Jeter moved to reconsider the vote indefinitely postponing House bill No. 132, "a bill relative to the renting and leasing of lands in this State by landlord to tenant;"

Which motion did not prevail.

Mr. Todd obtained leave and introduced a petition of certain citizens of Hendricks county, on the subject of township libraries and circuit superintendents;

Which,

On motion by Mr. Todd,

Was laid on the table.

Message from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 117. A bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands sold for taxes, from any person claiming the same under a tax title deed made by the auditor, and repealing all laws in conflict therewith.

No. 134. A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

No. 141. A bill to amend section 27, of "an act providing for the election, or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto."

In which the concurrence of the House is respectfully requested.

Senate bill No. 134. A bill to repeal section 50, chapter 10 of an act, entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852;

Was read a first time and passed to a second reading.

Mr. Murray obtained leave and made the following report from the committee on the judiciary:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 78, entitled "an act to amend an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852, report the same back in compliance with the resolution of the House this day adopted.

The bill was then ordered to be engrossed.

Mr. Hall of Laporte obtained leave and introduced

Bill No. 201. A bill to amend an act, entitled "an act to provide for the erection and repair of bridges," approved May 22d, 1852; Which was read a first time.

Mr. Hall of Laporte moved to suspend the rule and read the bill a second time;

The question being on the suspension of the rule;

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hall of Lapore, Hall of Warren, Hardin, Har, grove, Hervey, Hester, Hudson, Huffstetter, Hume, King of Madison, Lemmon, Logan, McCord, McClure, Malick, Martin, Mellett, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Weir, Wheeler, Wood and Mr. Speaker—58.

Messrs. Wilson and Jeter voted in the negative.

So the rule was suspended, and the bill read a second time.

Mr. Huffstetter moved to refer the bill to the committee on roads, Which motion prevailed.

Mr. Hall obtained leave and introduced

Bill No. 202 A bill to provide for the appropriation of certain school funds, raised for specific purposes, when those purposes have been abandoned;

Which was read a first time and passed to a second reading.

Senate Bills on First Reading.

No. 117. A bill requiring payment of tender to be made of taxes and penalty with interest thereon, before suit brought to recover

possession of lands, for taxes from any person claiming the same under a tax title deed made by the auditor, and repealing all laws in conflict therewith;

Which was read a first time and passed to a second reading.

No. 141. A bill to amend section 27, of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers, and in relation thereto;"

Which was read a first time and passed to a second reading.

Mr. King of Madison, obtained leave and introduced

No. 203. A bill to amend an act, entitled "an act regulating prosecutions, in cases of bastardy, and providing for the support of illegitimate children," approved May 6th, 1852, and providing for the prosecution of such cases by the overseers of the poor;

Which was read a first time and passed to a second reading.

Senate Bills on Second Reading.

No. 45. A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict with the same;

Was read a second time and passed to a third reading.

Senate Joint Resolution on Second Reading.

No. 2. A joint resolution asking an appropriation from Congress for the improvement of the Michigan City harbor;

Was read a second time and passed to a third reading.

Senate Bills on Second Reading.

No. 58. A bill to amend the 24th, the 31st, the 33d, and the 37th sections of an act, entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852;

Was read a second time,

When,

On motion by Mr. Clark of Rush,

Was referred to the committee on roads.

No. 71. A bill declaring the proofs of names of parties in certain cases not necessary,

Was read a second time,

When,

On motion by Mr. Hester,

Was referred to the committee on the judiciary.

No. 78. An act to provide for the listing of corporation and public stocks ;

Was read a second time,

When,

On motion by Mr. Buskirk,

Was referred to the committee on ways and means.

No. 82 A bill to amend the 1st section of an act entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet shows and legerdemain," approved June 15th, 1852, and to prevent the establishment of a broker's office as a business ;

Was read a second time,

When,

On motion by Mr. Frazer,

Was referred to the committee on banks.

No. 84. An act amending section 11 of chapter 31 of the revised statutes of 1852, relative to the making and furnishing to the several inspectors of elections, poll books, tally papers, &c., and providing compensation for said services ;

Was read a second time,

When,

On motion by Mr. Hargrove,

Was referred to the committee on elections.

No. 63 A bill to amend the 546th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;"

Was read a second time,

When,

On motion by Mr. Smith of Perry,

Was referred to the committee on the Judiciary.

No. 65. A bill to protect the drains, levees, dykes, dams, canals, rivers, creeks, and all other sources used for draining and reclaiming of the swamp lands of this State, which have been established by law ;

Was read a second time,

When,

On motion by Mr. Landers,

Was referred to the committee on swamp lands.

No. 68. A bill to amend the 3d section of an act entitled "an act to provide for the erection and repair of bridges," approved May 22d, 1852 ;

Was read a second time,

When,

On motion by Mr. Clark of Rush,

Was referred to the committee on roads.

No. 75. A bill to provide for the punishment of negligence and carelessness and misconduct of the operators and agents of railroad companies in the State of Indiana, and for the punishment of persons who shall wilfully and recklessly leave open fences, gates or bars of railroad companies in this State;

Was read a second time,

When,

On motion by Mr. Spotswood,

The bill was referred to the committee on the judiciary.

No. 76. A bill to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9th, 1852;

Was read a second time,

When,

On motion by Mr. Hargrove,

The bill was referred to the committee on agriculture.

No. 77. A bill to give to the courts of common pleas jurisdiction in all cases of felonies;

Was read a second time,

When,

On motion by Mr. Hester,

The bill was referred to the committee on the judiciary.

No. 85. A bill to enable railroad companies to dissolve:

Was read a second time,

When,

On motion by Mr. Shryock,

The bill was referred to the committee on corporations.

No. 88. A bill to amend the 2d section of an act entitled "an act to incorporate the ward cotton mill," approved February 15th, 1848, and increasing the capital stock thereof:

Was read a second time,

When,

On motion by Mr. Spotswood,

The bill was referred to the committee on corporations.

No. 89. A bill to regulate the filing of bonds and oaths of guardians, and to repeal section 4 of an act touching the relation of guardian and ward, approved June 9th, 1852;

Was read a second time,

When,

On motion by Mr. Fouts,

The bill was referred to the committee on the judiciary.

No. 90. A bill to amend the 18th section of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, approved May 13th, 1852;

Was read a second time and passed to a third reading.

No. 92. A bill to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors, administrators and guardians;

Was read a second time and passed to a third reading.

No. 98. A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken;

Was read a second time.

When,

On motion by Mr. Frazer.

The bill was referred to the committee on the judiciary.

No. 100. A bill authorizing the recording of patents for real estate, and making the records thereof and certified copies of such records evidence,

Was read a second time and passed to a third reading.

No. 105. A bill to enlarge the jurisdiction of the courts of common pleas, in cases in which property is or may be attached.

Was read a second time,

When.

On motion by Mr. Smith of Perry,

Referred to the committee on the judiciary.

No. 106. A bill requiring swamp land commissioners to give bond,

Was read a second time,

When,

On motion by Mr. Fouts,

The bill was referred to the committee on swamp lands.

House Bills on Second Reading.

No. 174. A bill authorizing the State of Indiana to relinquish her interests in the real estate herein set forth,

Was read a second time.

When,

On motion by Mr. Fouts,

The bill was referred to the committee on the rights and privileges of the inhabitants of the State.

No. 175. A bill for the relief of purchasers of school lands in the sixteenth section,

Was read a second time,

When,

On motion by Mr. Frazer,

The bill was referred to the committee on the trust funds.

No. 173. A bill to provide for the erection and repair of bridges,

Was read a second time,

When,

On motion by Mr. Hervey,

The bill was referred to the committee on roads.

No. 176. A bill regulating the adoption of heirs,
Was read a second time and ordered to be engrossed.

Mr. Clark of Rush moved to take from the files

No. 11. A joint resolution in relation to amending the constitution,

Which motion prevailed.

On motion by Mr. Clark of Rush.

The joint resolution was re-committed to the committee on the judiciary.

No. 177. A bill fixing the time of holding courts in the eleventh judicial circuit, and the length of terms, and adding the county of Blackford thereto, and repealing all acts in conflict therewith,

Was read a second time,

When,

On motion by Mr. Murray,

The bill was referred to the committee on the organization of courts of justice.

No. 192. A bill to suspend an act, entitled "an act to adjust the Gibson township claim, and providing for the payment of the judgment of the Vincennes University against the State by issuing State bonds therefor," approved February 13th, 1855,

Was read a second time,

When,

On motion by Mr. Smith of Perry,

The bill was referred to the committee on the judiciary.

Senate Bills on Second Reading.

No. 27. "A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake, or without authority,"

Was read a second time,

When,

On motion by Mr. Hester,

The bill was referred to the committee on swamp lands.

No. 38. A bill to repeal section 5 of an act, entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved Feb. 23d, 1852,

Was read a second time,

When,

On motion by Mr. McClure,

The bill was referred to the committee on corporations.

No. 53. "A bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State,"
Was read a second time,
When,

On motion by Mr. Hester,
The bill was referred to the committee on corporations.

No. 54. A bill to amend the first section of an act approved May 13th. 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities,"

Was read a second time and passed to a third reading.

No. 55. "A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre,"

Was read a second time,
When,

On motion by Mr. Hester,
The bill was referred to the committee on the judiciary.

House Bills on Second Reading.

Bill No. 178. A bill to amend the 2d section of an act, entitled "An act providing for the colonization of negroes and mulattoes and their descendants, and appropriating three thousand dollars therefor, constituting a State board of colonization, declaring the duties of said board, and of State Treasurer and county treasurers in relation thereto," approved April 25th, 1852, so as to give the State board discretion in the selection and disposition of the lands in Africa;

Was read a second time,
When,

On motion by Mr. Smith of Perry,
Was laid on the table.

No. 179 A bill to amend an act, entitled "an act concerning usury," approved May 22d 1852;

Was read a second time,
When,

On motion by Mr. Hester,
Was referred to the committee on the judiciary.

Mr. Wilson moved to take from the files,

Senate bill No. 8. A bill for the relief of borrowers of the common school fund, and of the purchasers of school lands belonging to the State of Indiana;

Which motion prevailed.

Mr. Wilson moved to refer the bill to the committee on the trust funds of this State, with the following instructions:

Amend section 1st by adding after the words "school funds," in third line, "sinking fund, saline fund, bank tax fund, surplus revenue, and congressional township funds,"

Which motion prevailed.

House bill No. 180. A bill to provide for the mode of trial, forming the issues, taking depositions and giving right of challenge to jurors in suits involving the descent of real estate and the distribution of personal property, money or choses in action of an intestate, when there are defendants claiming adverse interests, to regulate the practice in such cases and as between such defendants;

Was read a second time,

When,

On motion by Mr. Tanner,

The bill was referred to the committee on the judiciary.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof:

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards.

Also,

No. 121. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Also,

No. 142. A bill to provide for the adoption of children, and changing their names.

In which the concurrence of the House is respectfully requested.

Senate Bills on First Reading.

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards;

Which was read a first time and passed to a second reading.

No. 142. A bill to provide for the adoption of children and changing their names ;

Which was read a first time and passed to a second reading.

No. 121. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Was read a first time and passed to a second reading.

On motion by Mr. Fouts,
The House adjourned till Monday next, 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, }
FEBRUARY 19, 1855. }

House met pursuant to adjournment.

On motion by Mr. Hudson,
The reading of the journal was dispensed with, and so adopted.

Mr. Hudson moved to suspend the order of business and take up
Senate bills on their second reading,
Which motion prevailed.

Senate Bills on Second Reading.

No. 107. A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act, entitled "an act to provide for the incorporation of railroad companies," approved may 11th, 1852;

Was read a second time.

Mr. Walpole offered the following amendment:

Amend said bill in the first section after the word "legalized," where it occurs in said section, and insert these words, "with the assent of all those who subscribed before such filing."

Mr. Murray moved to refer the bill and amendment to the committee on the judiciary,

Which did not prevail.

The amendment was then adopted and the bill ordered to be engrossed.

No. 108. A bill relating to the reversal of judgments, against convicts in the state prison;

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to the committee on the judiciary.

No. 136. An act to provide for the surrender and exchange of the certificates of stock of the State of Indiana;

Was read a second time.

Mr. Murray moved to amend by striking out "one hundred" where it occurs and inserting "five hundred."

Mr. Buskirk moved to refer the bill and amendment to the committee on ways and means,

Which motion prevailed.

No. 125. A bill to amend section 21st of an act, entitled "an act to incorporate the Franklin and White river turnpike company;"

Was read a second time,

When,

On motion by Mr. Landers;

Referred to the committee on roads.

No. 112. A bill appropriating \$5,000 per annum for the purpose of colonization and to give additional power to the State Board of Colonization,

Was read a second time,

When,

On motion by Mr. Buskirk,

The bill was referred to the committee on ways and means.

No. 133. A bill to fix the time of holding the circuit courts in ninth judicial circuit,

Was read a second time,

When,

Mr. Wheeler offered the following amendment:

Amend Senate bill No. 138 as follows: Section 1, line 4, strike out "third" and in lieu thereof insert "second." Section 2, line 3, strike out "county" and insert in lieu thereof "Marshall counties," line 4 strike out "Marshall."

Which amendment was adopted and ordered to be engrossed.

No 61. A bill to amend sections 20 and 30 of an act, entitled "an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto,"

Was read a second time,

When,

On motion by Mr. Coen,

The bill was referred to the committee on roads.

Mr. Coen moved to suspend the order of business,

Which motion prevailed.

Mr. Coen then moved to refer House bill No. 27, a bill to amend an act, entitled "an act providing for the election or appointment

of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852, to the committee on roads,

Which motion prevailed.

Mr. Hester obtained leave and made the following report from the committee on the judiciary:

MR SPEAKER:

The committee to whom was referred Senate bill No. 3, a bill to amend section 78 of article 8 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852, have had the same under consideration and a majority thereof have directed me to report it back with the accompanying amendments, and when so amended to recommend its passage:

Strike out the title to the word which in the 5th line of the 1st page, and insert the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, that section seventy-eight of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Strike out all on the third page of said act to the word "act" in the 3d line.

Amend title as follows:

"A bill to amend section 78 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852, so as to provide that courts of justice shall grant changes of venue upon the conditions therein mentioned."

Which report was concurred in and the amendments were adopted and ordered to be engrossed.

Mr. Fouts obtained leave and introduced

Bill No. 204. A bill to repeal all laws incorporating the town of Clarksville, and making the territory included therein subject to the general laws of the State of Indiana,

Which was read a first time and passed to a second reading.

Mr. Buskirk obtained leave and reported from the committee on ways and means as follows:

MR SPEAKER:

The committee on ways and means, to whom was referred the subject of amending the law providing for the assessment and tax-

ation of property, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage :

No. 205. A bill to amend the 6th, 22d, 78th, 79th, 119th, 96th and 194th sections, and to repeal section 99 of an act entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21st, 1852 ; and to provide for the assessment and taxation of free banks, bankers, stock jobbers, insurance companies, trust companies, savings institution, gas companies, and other joint stock companies whose taxation is not specifically provided for ;

Which was read a first time and passed to a second reading.

Senate Bills on Second Reading.

No. 130. A bill to authorize the re-transfer of settlements of decedents' estates, guardianships petitions to sell lands, and all other matters that have been transferred from the common pleas courts to the circuit courts on account of the judges of said common pleas being interested, back to said common pleas courts ;

Was read a second time,

When,

On motion by Mr. Studabaker,

The bill was referred to the committee on the judiciary.

The Speaker laid before the House the following communication from the President of the State Board of Agriculture, with the accompanying report ;

INDIANAPOLIS, INDIANA, }
January 3d, 1855. }

To the General Assembly of the State of Indiana :

In accordance with the provisions of the act for the encouragement of agriculture, I herewith lay before the General Assembly, the fourth annual report of the State Board of Agriculture, exhibiting the receipts and expenditures of the Board, together with the proceedings and reports of the several county societies for the year 1854.

It is a source of gratification to observe that in stimulating and rewarding the agricultural and mechanical skill and industry of Indiana, the efforts of the State Board and its auxilliary associations have been, during the past four years, eminently successful. I earnestly recommend these organizations to the continued favor of the General Assembly.

I respectfully recommend that the same number of this report

be printed for distribution, to-wit: four thousand among the county societies and our sister States who have so generously exchanged with our Board.

Respectfully,

JOSEPH A. WRIGHT,
President of the Board.

On motion by Mr. Buskirk,

The communication and reports were referred to the committee on agriculture.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 27, 89, 104, 137, 147, 149 and 151, and compared them with the original copies thereof and find that the same have been correctly engrossed.

Senate bill No. 99. A bill to amend section 211 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, on the subject of limitations of civil actions;

Was read a second time,

When,

On motion by Mr. Hudson,

The bill was referred to a select committee composed of Messrs. Hudson, Gilham, McMurry and Newcomb.

Mr. Ellis obtained leave and introduced

Bill No. 206. A bill to amend "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, declaring their duties, and declaring certain taxes legal;"

Was read a first time and passed to a second reading.

Mr. Thomas obtained leave and introduced

Bill No. 207. A bill relative to the rights of married women;

Was read a first time and passed to a second reading.

Senate Bills on Second Reading.

No. 104. A bill to provide for the sale, under execution or order of sale, of any house or other building belonging to the defend-

ant but situated on land not owned by him, and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rents in certain cases;

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to a select committee, composed of Messrs. Hudson, Gilham, McMurry and Newcomb.

No. 109. A bill to subject the corporate franchises of plank road and turnpike companies to sale on execution,

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to the committee on ways and means.

No. 103. A bill to amend section 19, of "an act for the government of the Indiana hospital for the insane," approved January 15th, 1852;

Was read a second time,

When,

On motion by Mr. Hester,

Referred to the committee on benevolent and scientific institutions.

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor;

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to the committee on temperance.

No. 134. A bill to repeal section 50, chapter 10 of an act, entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17th, 1852;

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to the committee on the judiciary.

No. 117. A bill requiring payment or tender to be made of taxes and penalty with interest thereon, before suit brought to recover possession of lands, sold for taxes, from any person claiming the same under a tax title deed made by the auditor, and repealing all laws in conflict therewith;

Was read a second time,

When,

On motion by Mr. Hudson,

Referred to a select committee, consisting of Messrs. Hudson, Gilham, McMurry and Newcomb.

No. 141. A bill to amend section 27, of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;

Was read a second time,

When,

On motion by Mr. Tanner,

The bill was referred to the committee on roads.

No. 121. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana;

Was read a second time,

When,

On motion by Mr. Sidwell,

Referred to a select committee, composed of Messrs. Sidwell, McConnell, Buskirk, Smith of Perry, and Gifford.

No. 62. A bill to amend the 11th and 18th sections of an act, entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852;

Was read a second time,

When,

On motion by Mr. Huffstetter,

Referred to the committee on county and township business.

No. 142. A bill to provide for the adoption of children, and changing their names;

Was read a second time and passed to a third reading.

No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards;

Was read a second time.

Mr. Walpole moved to amend as follows:

Amend that no such association hold more than forty thousand dollars in real estate, nor shall the capital stock of any such association exceed one hundred thousand dollars.

Which amendment was adopted.

On motion by Mr. Hester,

The bill was referred to a select committee, consisting of Messrs. Hester, Walpole and Murray.

Mr. Murray obtained leave, and made the following report, from the committee on the judiciary:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 133, entitled "a bill in relation to what decisions of the supreme court, the reporter is to publish," have had the same under consideration, and direct me to make the following report:

The committee entertain very high respect for the person who drafted the bill, whose hand writing is seen in it, and although occupying a high position in the judiciary of the State, they cannot but think that a clause in our constitution has been overlooked.

The bill provides that the judges of the supreme court shall indicate at the close of the term of each court, what decisions are of sufficient importance to be published, and that those opinions, which are given on frivolous points, and those that are mere repetitions of former decisions, if the court so order, may be omitted in the printed reports.

The sixth section of the seventh article of the constitution says: "the general assembly shall provide by law for the speedy publication of the decisions of the supreme court, made under this constitution."

This injunction is imperative, and we think the legislature cannot discriminate as to what decisions may or may not be published. The "decisions," whether on frivolous or grave questions, or however often they may have been theretofore decided, are to be published.

The mere fact that a question has been decided again and again in one way has a tendency to settle the question, and to prevent the raising the same points in subsequent cases.

The committee, therefore, recommend that the bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Hall of Warren,
Mr. Coen was added to the committee on roads.

Senate bill No. 42. "A bill to enable persons to convey lands, tenements and hereditaments held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof;"

Was read a second time.

Mr. Hudson moved to refer the bill to a select committee.

Mr Walpole moved that the bill be indefinitely postponed.

Which motion prevailed.

House Joint Resolutions on Second Reading.

No. 12. A joint resolution on the subject of prohibiting the importation of foreign liquors except by consent of the several States,
Was read a second time, and ordered to be engrossed.

No. 13. A joint resolution on the subject of granting public lands without price to *bona fide* settlers,
Was read a second time and ordered to be engrossed.

No. 14. A joint resolution proposing to amend article eight of the State constitution.

Mr. Walpole moved to amend the joint resolution by striking out section "eight,"

Which motion prevailed.

Mr. Hester moved to lay the joint resolution on the table,

Which motion prevailed.

House Bills on Second Reading.

No. 199. A bill to repeal section 2 and 3 of an act, entitled "an act to regulate the retailing of spirituous liquors, and for the suppression of the evils arising therefrom," approved March 4th, 1853, and declaring all licenses issued under said act null and void from and after the first Monday of April next,

Was read a second time.

Mr. Walpole offered the following amendment:

Add at the end of the last section, "nothing shall, in this act, be so construed as to affect licenses that were granted in good faith before the law of the present session of the General Assembly was approved."

On motion,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met, pursuant to adjournment.

Mr. Frazer, from the committee on education, asked leave and made the following report:

MR. SPEAKER:

The committee on education to whom was referred the petition of certain colored people of the city of Indianapolis praying a participation in the school funds of the State, has had the same under consideration, and has instructed me to report that it is conceived that the taxing of the property of negroes and mulattoes for the purpose of establishing separate schools for their children could not be rendered efficient in the scattered condition of that portion

of our population, and that the school fund of the State has never yet been sufficient for the legitimate demand upon it for the education of the white children of the State, and that it is not desirable that the children of the two races should be commingled in the same school. There is one matter, however, in connection with this subject which your committee deems it proper to present to the consideration of the House. By an unaccountable oversight of the committee on enrolled bills in the Legislature of 1851-2, the school bill of that session was published without the proviso to the first section, which exempted the property of negroes and mulattoes from the taxation provided in that bill, and which proviso was reported by the committee on education and passed by the Legislature. It is believed that under the operation of that act, the property of negroes and mulattoes was taxed in 1852 for the benefit of the common schools, whilst they were denied all participation in their advantages. Your committee believe that it is only necessary to mention the fact to insure a prompt refunding to these people of the tax thus improperly and wrongfully exacted from them, and report a bill providing therefor.

In regard to the admissability of these persons as witnesses in courts of justice, your committee respectfully recommend the reference of that portion of the petition to the committee on the judiciary, and ask to be discharged from the further consideration thereof.

No. 207. A bill to provide for the refunding of the school tax collected from the property of negroes and mulattoes under the act approved June 14th, 1852,

Was read a first time, and passed to a second reading.

Mr. McConnell, from the select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred petition No. 5, praying for relief, have had the same under consideration, and direct me to report the following bill:

House bill No. 209. A bill for the relief of William, Mary, Jane, Nancy, and Eliza McCanaly, of Daviess county,

Which was read a first time.

Mr. McConnell moved to suspend the rule and read the bill a second time.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Cro-

zier, Davis, Earl, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Huffstetter, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, McConnell, McCord, McClure, McFarland, McMurry, Mallick, Martin, Mellett, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Tanner, Thomas, Todd, Trusler, Turner, Walpole, Weir, Wheeler, and Mr. Speaker—70.

No one voting in the negative.

So the rule was suspended and the bill read a second time,
When,

On motion by Mr. McConnell,
The bill was referred to the committee on the judiciary.

Pending the adjournment, House bill No. 199 was under consideration.

No. 199. A bill to repeal sections 2 and 3 of an act entitled an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, approved March 4th, 1853, and declaring all licenses issued under said act, null and void after the first Monday of April next.

The question being on the adoption of Mr. Walpole's amendment,

It was not adopted.

The bill was then ordered to be engrossed.

House bill No. 88. An act to amend the 14th section of chapter 107, approved June 17th, 1852, entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, masonic and odd fellows lodges, sons and daughters of temperance, and for the construction of cemeteries, houses of worship and other buildings therein mentioned, &c.;"

Was read a third time,

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Carnahan, Cain, Cotton, Gwinn, Hunt, King of Madison, McFarland, Peckenpaugh, Spotswood, Tru-ler and Mr. Speaker—12.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Buchanan, Burnett, Bus-

kirk, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Earl, Ellis, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Meredith, Monks, Montgomery, Murray, Newcomb, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tanner, Thomas, Todd, Turner, Weir and Wheeler—63.

So the bill did not pass.

Senate bill No. 24. A bill to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana;

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Hunt, Jeter, Lewis, Logan, McConnell, McCord, Malick, Martin, Mellett, Meredith, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Thomas, Todd, Trusler, Turner, Weir, Wheeler and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Burnett Landers, Lemmon, McClure, McFarland, Monks, Peyton, Shull, Tanner and Walpole—10.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hillyer, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 12, entitled an act to amend an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing

their duties, approved June 17th, 1852, with the proposed amendments, have had the same under consideration, and have instructed me to report the same back and recommend the adoption of the substitute proposed by Mr. Newcomb, after striking out the 7th section thereof, and thus amended, would respectfully recommend its passage.

On motion by Mr. Buskirk,
The bill was laid on the table.

Mr. Sanford, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee to whom was recommitted House bill No. 102, with instructions, direct me to report the same back with the following amendments, and respectfully ask to be discharged from its further consideration :

No. 102 A bill to amend section 17 and part of section 18 of an act incorporating the Lagro, Marion and Jonesboro plank road company.

1. Strike out all of section 1st after the words "as follows," in the nineteenth line thereof, and insert the following: *Provided, however,* That should the said company fail to complete their said road within the time required by the act to which this is amendatory, they shall not on account of such failure, forfeit their right to any portion or part that may be completed; but shall be authorized to erect toll-gates, demand and receive tolls on and for the use of said road so partly finished as fully as if the whole had been completed within the time by the aforesaid act required.

2. Strike out of line 13 in section second the word "any" and insert "said."

3. Strike out of line 21 of said section the words "any such," and insert "said."

4. Insert in section third immediately before the word "it," the following: "Whereas, the interests of said company require the changes in the management of said road, authorized by this act, before it can take effect by ordinary publication, therefore."

The report was concurred in and the amendments adopted.

The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew. Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren,

Hargrove, Harryman, Hervey, Hester, Hillyer, Huffstetter, Hume, Hunt, Jeter, King of Madison, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Trusler, Turner, Weir, Wilson, Wheeler, and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Carnahan, Landers, and Todd—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

• Mr. Landers moved to reconsider the vote on the passage of House bill No 9, a bill authorizing railroad companies to create a preferred stock,

Which motion prevailed.

On motion by Mr. Buskirk,

The bill was laid on the table.

Senate Joint Resolutions on Third Reading.

No. 5. A joint resolution in relation to the election of United States Senator,

Was read a third time,

When,

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hume, Hunt, Landers, McConnell, McCord, McMurry, Malick, Martin, Mellett, Meredith, Monks, Montgomery, Murry, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Snanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Thomas, Todd, Trusler, Turner, Weir, Wilson, Wheeler, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Alden, Clark of Jasper, Crozier, Davis, Huffstetter, Jeter, King of Madison, Lewis, Logan, McFarland, Miller, Schoonover, Shull, Sturgis, and Tanner—15.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Treasurer of State:

To the Hon. the Speaker of the House of Representatives:

SIR:—My attention has been directed to the following resolution of the House of Representatives, viz:

Resolved, That the Treasurer of State be requested to report to this House the amount of money borrowed from the swamp land fund, and used for paying the interest on the State debt and expenses of the State government.

I have the honor to make the following statement in relation thereto, viz:

The books of this office show the following balances on hand on the 1st of November, 1854, of the various special funds which are paid into this office, to-wit:

Township and library fund	\$19,532 00
Common school fund	47,718 94
Saline fund	3,186 61
Bank tax fund	4,206 99
Surplus revenue fund	192 59
County seminary fund	445 40
Michigan road fund	137 83
Swamp land fund ..	398,831 61
Three per cent. fund	32 13

Total amount of trust funds on hand	\$474 284 08
Total amount of means in the treasury	255,660 32
Total deficit in the treasury which was supplied by using swamp land fund	218,613 66
Deduct deficit in university fund	1,913 56
	<hr/>
	\$216,700 10

Also deduct deficit in State debt sinking fund	16,178 19
Deficit in general fund	200,521 91

The intention was to reimburse the swamp land fund when the revenue of 1854 should be paid into the treasury, but I apprehend that the revenue will not be sufficient after defraying the estimate expenses of the government for 1855.

From present indications it is feared that owing to the failure of the corn crop in large districts of the State, and also in consequence of the depression and great disorder in money affairs, the delinquent tax list of 1854 will be unusually large.

Revenue of 1854, due the State on general fund ...	\$757,000 00
By amount paid in	218,000 00

Balance yet to come in	\$539,000 00
Deduct probable delinquency, say $\frac{1}{8}$, for 1854	67,375 00

Amount left after deducting delinquency	\$471,625 00
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Estimate expenses of government for 1855	483,138	69
Deduct January interest, 1855, on		
public debt, which is paid	\$175,162	34
	\$307,976	35

Balance in treasury after deducting expenses .. \$163,648 65

But I will here take occasion to say the above estimate expenses of the government are entirely too small, which will appear from the single remark, that the January installment of interest and exchange for 1855, exceeds the estimate over \$20,000 00, and that of July will be the same; then this estimate is too small by \$40,000 00, which, added to the original estimate, leaves only \$123,648 65 in the treasury, applicable to the reimbursement of swamp land loan. Therefore, according to the above statements, at the close of the fiscal year the State will be indebted to the swamp land fund a balance of \$94,965 01; or, in other words, there will be a deficit in the treasury of \$94,965 01.

The above statement is believed to be as near correct as it could well be made under the circumstances. We have had the charge of the office but for a few days, during which time we have been constantly occupied with a press of the ordinary duties of the office. Besides, the books for the last quarter have not yet been posted—in fact, one of the most important books of the office, has been in possession of the House committee on ways and means, ever since we came into the office.

W. R. NOFSINGER,

Treasurer of State.

TREASURER'S OFFICE, Feb. 19th, 1855.

On motion by Mr. Meredith,

The report was referred to the committee on ways and means.

Senate bill No. 6. A bill for the protection of the Sabbath;
Was read a third time,

On motion by Mr. Newcomb,
The bill was laid on the table.

On motion by Mr. Walpole,

House bill No. 12. A bill to amend an act, entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.

Was taken from the table.

Mr. Walpole offered the following amendment:

Strike out section 8 and insert as follows:

SEC. 8. No such insurance company shall insert any condition in any policy hereafter issued, requiring the insured to give notice forthwith, or within the period of time less than five days of the loss of the insured property, nor shall any condition be inserted in such policy requiring the insured to procure the certificate of the nearest justice of the peace, mayor, judge, clergyman, or other

official, or person, of such loss, or the amount of such loss; and any provision or condition contrary to the provisions of this section, or any condition in said policy inserted to avoid the provisions of this section, shall be valid, and no condition or agreement not to sue for a period less than three years shall be valid.

Which was adopted.

Mr. Buskirk moved that the bill be considered as engrossed and read a third time.

Which motion prevailed.

So the bill was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Turner, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Smith of Perry, Spotswood and Wilson—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Senate joint resolution No. 6. A joint resolution asking Congress to patent to the State of Indiana all lands purchased of the United States after the passage of the act of Congress donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands,

Was read a third time.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union,

Coen, Cotton, Davis, Dickerson, Earl, Ellis, Fouts, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Huffstetter, Hume, Hunt, King of Madison, Landers, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Martin, Meredith, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Turner, Walpole, Wilson, Wheeler, Wood and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Frazer, Hervey, Jeter, Malick, and Trusler—5.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hester,

The vote upon House bill No. 108. A bill to provide for issuing fee bills and executions against sureties on appeal bonds, in the supreme court, was reconsidered.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Frazer, Gifford, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Huffstetter, Hume, Jeter, King of Madison, Lemmon, Logan, McConnell, McCord, McClure, McFarland, McMurry, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Turner, Walpole, Wheeler and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beach, Branham, Brothwell, Ellis, Fouts, Gilham, Gwinn, Hadsell, Hunt, Lewis, Sims, Todd, Trusler, and Wilson—15.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No.

118, and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Senate Bills on Third Reading.

No. 13. A bill to amend section 3 of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and defining their duties;" approved June 11, 1852,

Was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Huffstetter, King of Madison, Lewis, Logan, McConnell, McCord, McFarland, McMurphy, Malick, Martin, Mellett, Meredith, Miller, Murray, Peckenpaugh, Sanford, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Todd, Trusler, Turner, Walpole and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Frazer, Hadsell, Hargrove, Hume, Hunt, Jeter, Lemmon, McClure, Montgomery, Newcomb, Sidwell, Studabaker, Wilson, and Wheeler—14.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 17. "A bill to authorize the successors of executors and administrators to make sales and conveyances of realty, under orders of sale procured by their predecessors,"

Was read a third time.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Huffstetter, Hume, Lemmon, Lewis, McConnell, McClure,

McFarland, McMurry, Malick, Martin, Meredith, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Thomas, Todd, Trusler, Turner, Wheeler, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Hervey, Hunt, King of Madison, McCord, Tanner, and Wilson—6.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 23. "A bill to regulate the fees of county auditors for transferring lands for taxation,"

Was read a third time,

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Tippecanoe, Coen, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hargrove, Harryman, King of Madison, Logan, McConnell, McCord, McFarland, Meredith, Montgomery, Murray, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Tackett, Trusler, Turner, Walpole, Wilson, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Branham, Clark of Steuben, Cotton, Hadsell, Hester, Huffstetter, Lemmon, Lewis, McClure, McMurry, Miller, Newcomb, Peyton, Schoonover, Studabaker, Tanner, Thomas, Todd, and Wheeler—19.

So the bill did not pass for want of a constitutional majority.

No. 143. "A bill fixing the times of holding courts in the common pleas district composed of the counties of Tippecanoe and White,"

Was read a third time,

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hester, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Walpole, Weir, Wilson, Wheeler, and Mr. Speaker—78.

No one voted in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 34. An act to amend sections 29, 30, and 31, of an act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith and to provide for the distribution of the school funds in 1855,

Was read a third time.

On motion by Mr. Hester,
The bill was laid on the table.

No. 46. A bill in relation to plank, macadamized, tram and gravel road companies,

Was read a third time.

On motion by Mr. Newcomb,

The bill was re-committed to the committee, with the following instructions :

“Amend by inserting a provision that plank road companies in constructing their roads, may construct the same of coal, stone, gravel, or other metal.”

On motion by Mr. Buskirk,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 20th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Spotswood,
The reading of the journal of yesterday was dispensed with, and it was so adopted.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. McMurry,

A petition from sundry citizens of Putnam county, on the subject of chartering a State bank with branches, in conformity with the Constitution.

On motion by Mr. Murry,
The petition was laid on the table.

By Mr. Hudson,

A memorial from the President of the Prairie City Bank, Terre Haute, on the subject of greater security to the free banks.

On motion by Mr. Hudson,
The memorial was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 167, entitled a bill to amend section 6 of an act entitled an act to provide for the election of a reporter, and a speedy publication of the decisions of the supreme court, &c., have had the same under consideration, and have instructed me to report the same back to the House, amended by striking the same out from the enacting clause and inserting in lieu thereof the accompanying substitute therefor, and so amended, to recommend its passage. Said amendment is in the words and figures following, to-wit:

Strike out from the enacting clause and insert the following:

That section 5 of an act entitled "an act to provide for the election of a reporter, and a speedy publication of the decisions of

the supreme court, and for the compensation of such reporter," approved February 5th, 1852, which section reads as follows:

"Whenever such printed report shall, without dividing the decisions made at any one term, make not less than six hundred pages, the reporter shall add an index thereto, and cause the same to be bound in good law binding into a volume, to be styled 'Indiana Reports;' and shall forthwith deliver to the Secretary of State, for the use of the State, five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: three copies to the clerk's office of the circuit court of each county within this State, two copies of which shall be for the use of the courts of such county, and the other copy for the use of the county library thereof, and one copy to each college in this State, and the residue of such volumes he shall cause to be deposited in the State library," be, and it is hereby amended so as to read as follows:

"Whenever such printed report shall, without dividing the decisions made at any one term, make not less than six hundred pages, the reporter shall add an index thereto, and cause the same to be bound in good law binding into a volume, to be styled 'Indiana Reports;' and shall forthwith deliver to the Secretary of State, for the use of the State, five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: three copies to the clerk's office of the circuit court of each county within this State, two copies of which shall be for the use of the courts of such county, and the other copy for the use of the county library thereof, and one copy to each college in the State, and the residue of such volumes he shall cause to be deposited in the State Library; *Provided, That* if, unless the decisions of a particular term be divided, such report, including the index, would exceed six hundred and fifty pages, exclusive of the space occupied by the reporter's notes, then the decisions of such particular term may be divided, so that the report, including the index, and excluding the space occupied by the reporter's notes, shall be not less than six hundred pages, which report shall then be indexed and bound and five hundred copies delivered to the Secretary of State as aforesaid, for the use aforesaid.

SEC. 2. *And be it enacted*, That section 6 of said act which reads as follows: "The account of the reporter shall be audited and paid out of any money in the treasury not otherwise appropriated, at the rate of three dollars for each bound volume and for each stitched copy as provided for in the fourth section of this act, at the same rate per printed page, estimating a bound volume at six hundred pages," be and it is hereby amended so as to read as follows:

The account of the reporter shall be audited and paid out of any money in the treasury not otherwise appropriated, at the rate of one-half cent for each page of printed matter in each bound vol-

ume, and for each stitched copy as provided for in the fourth section of this act, at the same rate per printed page.

It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall, therefore, be in force from and after its passage.

Mr. Hester moved that the bill be considered as engrossed and read a third time.

Which motion prevailed.

The bill was read a third time ;

And the question being,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Crozier, Davis, Earl, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hester, Hillyer, Hudson, Huffstetter, Jeter, King of Madison, Lemmon, Logan, McCord, McClure, McFarland, Martin, Mellett, Meredith, Miller, Monks, Murray, Sanford, Sidwell, Shanks, Smith of Lagrange, Smith of Perry, Stanton, Sturgis, Tanner, Todd, Trusler, Turner, Usry, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Bonner, Coen, Dickerson, Ellis, Gordon, Hargrove, Landers, Lemmon, Lewis, Malick, Montgomery, Peckenpaugh, Peden, Peyton, Sims, Spotswood, Wilson, and Wheeler—18.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Murray, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 480, entitled a bill to provide for the mode of trial, forming the issues, taking depositions, and giving right of challenge to persons in suits involving the descent of real estate, &c., have had the same under consideration, and have instructed me to report the same back amended by striking out the repealing clause thereof, and so amended, recommend its passage

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Perry, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 125, entitled a bill in relation to the practice and pleading in civil cases in the circuit and common pleas courts, have had the same under consideration, and have directed me to report the same back to the House and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Smith of Perry, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred Senate bill No. 75, entitled a bill to provide for the punishment of negligence, carelessness, and misconduct of the operatives and agents of railroad companies, and for the punishment of persons who shall willfully and recklessly leave open any fence, gate or bars of any railroad companies in this State, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in, and the bill passed to a third reading.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 96, a bill to prohibit judges of the courts of common pleas practicing law, and to prohibit judges of such courts from forming or maintaining a partnership in the practice of the same, and to repeal the fortieth section of an act, entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14th, 1852, have had the same under consideration and have directed me to report the same back to the House, and recommend the following amendments, to-wit:

"Strike out the words "of this State," wherever they occur in the 1st section of said bill and insert instead thereof, "within the limits of the common pleas district wherein such judge shall reside," and when so amended, recommend its passage,"

The report was concurred in, and the amendments adopted.

The bill passed to a third reading,

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 55, entitled "a bill to regulate the title of all those who purchased swamp lands of the United States after the donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre," have had the same under consideration and have instructed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill passed to a third reading.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of W. H. Branham and others asking this body "to pass a garnishee law," &c., have had the the same under consideration, and directed me to report the same back, and that it is inexpedient to grant the prayer of said petition as the law on that subject is already sufficient for the purposes of justice, and ask to be discharged.

Which report was concurred in.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred Senate bill No. 89, entitled "a bill to regulate the filing of bonds and oaths of guardians, and to repeal section 4 of an act touching the relation of guardian and ward," approved June 9th, 1852, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

The report was not concurred in.

The question being on the indefinite postponement of the bill, Messrs. Hume and Usry demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Branham, Brazelton, Buskirk, Clark of Rush, Clark of Steuben, Davis, Earl, Essex, Gordon, Hardin, Hester, Hudson, Huffstetter, Hume, Hunt, Jeter, Landers, Lemmon, Lewis,

Logan, Lowe, McClure, McMurry, Malick, Martin, Miller, Monks, Montgomery, Peden, Peyton, Sanford, Schoonover, Shanks, Shull, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tanner, Thomas, Todd, Usry, and Wilson—45.

Those who voted in the negative were,

Messrs. Beach, Bonner, Brothwell, Buchanan, Clark of Tippecanoe, Coen, Cotton, Crozier, Dickerson, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Harryman, Hervey, Hillyer, King of Madison, McConnell, McCord, McFarland, Mellett, Meredith, Murray, Peckenpaugh, Sidwell, Sims, Smith of Perry, Spotswood, Tackett, Trusler, Turner, Wheeler and Mr. Speaker—38.

So the bill was indefinitely postponed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 21, entitled a bill to repeal certain portions of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852, have had the same under consideration, and have instructed me to report the same back to the House with the following amendment, to-wit: Strike out all of said bill after the enacting clause and insert instead thereof the following:

That section 138 of the act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and such forms to be used in such settlement, approved June 17, 1852, be and the same is hereby amended so that the same shall read as follows:

At the term when final settlement of an estate is made, if there be any surplus the court shall order notice to be given thirty days before the ensuing term for three weeks successively in some newspaper printed and published within the county, if there be any, and by notice posted up in five public places in the county, that at the next term on the first day thereof, such surplus will be distributed among the heirs according to law; *Provided*, that wherever the court shall be satisfied that all the heirs and distributees are residents of the county in which such settlement and distribution may, or where said heirs and distributees are adults, and shall, under their hands in writing, filed in the clerk's office of said court, waive the publication of notice as above specified, be made, the court may in its discretion order such surplus to be distributed at the same term at

which such settlement may be made, without publication or notices as contemplated by the preceding part of this section; and so amended your committee recommend the passage of said bill.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 60, entitled "a bill concerning conveyances and other writings, and the sealing thereof," with instructions, have had the same under consideration, and have instructed me to report the same back with a respectful recommendation that the vote of the House referring said bill and instructions to said committee be reconsidered; and upon said reconsideration, that said bill and pending amendments be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Shanks, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 168, entitled "a bill to authorize the township trustees to prepare an alphabetical list of the voters of each township to prevent any person from voting whose name is not on said list," have had the same under consideration, and have instructed me to report the same back, and recommend that it be laid on the table.

The report was concurred in, and the bill was laid on the table.

Mr. Trusler, from the committee on the affairs of the city of Indianapolis, made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, to whom was referred a resolution of this House requiring said committee to inquire into the expediency of enclosing the grounds belonging to the State lying immediately north of the State House square, and planting the same with shade trees, and report by bill or otherwise, have had the same under consideration, and directed me to report that in the opinion of said committee it is inexpedient for the present General Assembly to expend the sums necessary to enclose and plant said grounds in accordance with the requirements of said resolution. Your committee, therefore, asks to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Logan, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the petition of Thomas Shannon, for work and labor done on the Wabash and Erie canal in the year one thousand eight hundred and forty-two, asking that provision may by law be made for the payment of his claim, have according to order had the same under their consideration, and directed me to report that in the opinion of the committee this claim should not be paid nor recognized by the State, and therefore, recommend that the whole matter be laid on the table, and the committee be discharged from the further consideration of this subject.

Mr. Tanner, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of James Hazelett and four others, praying the remission of part of a judgment in the Madison circuit court in favor of the State of Indiana, against James A. Kendle, as Treasurer of the county of Madison, and seven others as his sureties, have had the subject under consideration, and have instructed me to report that it is inexpedient to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Coen, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred House bill No. 27, have had the same under consideration, and direct me to report it back with the following amendment, and recommend its passage.

No. 27. A bill to amend an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852.

The report was concurred in, and the bill was read a third time.
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Broth-

well, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Hunt, King of Madison, Lemmon, Lowe, McCord, McFarland, McMurry, Malick, Mellett, Meredith, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Turner, Wilson, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Buskirk, Clark of Rush, Essex, Hervey, Jeter, Landers, Lewis, Logan, McClure, Martin, Miller, Smith of Perry, Tanner, Trusler and Usry—15.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hargrove, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads to whom was referred Senate bill No. 61, a bill to amend sections 20 and 30 of an act, entitled "an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852, and to increase the compensation for labor, have had the same under consideration and directed me to report the same back to the House, and in consequence of the provisions of the bill being contained in a bill of the House now on its passage, they recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Tackett, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on Agriculture to whom was referred the report of the State Board of Agriculture and accompanying documents, have had the same under consideration and beg leave to report the same back with the recommendation that the request of the President asking that four thousand copies be printed for distribution by the said board be complied with.

Which report was concurred in.

Mr. Hudson, from the committee on banks, made the following report:

MR. SPEAKER:

The committee on banks to whom was referred Senate bill No. 82, report the same back and ask that it be placed on the table.

Which report was concurred in, and the bill laid upon the table.

Mr. Sturgis, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred the petition of the citizens of Allen county praying an amendment to the charter of the Fort Wayne and Columbian plank road company, have instructed me to report the following and respectfully recommend its passage:

House bill No. 210. An act to amend the 20th section of an act, entitled "an act to incorporate the Fort Wayne and Columbia plank road company," approved January 1st, 1850,

Which was read a first time, the report concurred in, and the bill passed to a second reading.

Mr. Brazelton, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 59, "a bill to authorize plank, macadamized and gravel road companies to sell or transfer their corporate property or franchises, and to authorize the purchasers thereof to organize themselves into a corporation, and defining its powers," have had the same under consideration, and have directed me to report the same back, and recommend that it be laid on the table, as the subject matter thereof has been incorporated in a bill heretofore reported from said committee.

The report was concurred in.

Mr. McFarland, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 54, an act to amend the 14th section of an act entitled "an act authorizing the construction of plank roads" have had the same

under consideration, and have directed me to report the same back and recommend that it be laid upon the table, as the provisions of said bill has been incorporated in a general bill on that subject, reported from said committee.

Which report was concurred in.

Mr. Hunt, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred resolution No. 23, have directed me to report the same back, and recommend that it be laid upon the table, as a bill has been reported from said committee, embracing the prayer of said resolution.

Which report was concurred in.

Mr. Dickerson, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 30, have had the same under consideration and have directed me to report the same back, and recommend that it be laid upon the table, as the provisions thereof have been incorporated in a general bill upon that subject heretofore reported from said committee.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 17, a bill amendatory of the law for the assessment of damages against railroad companies, for the property appropriated to railroad purposes, and to limit the time within which suits for such damages shall be commenced, have had the same under consideration and have directed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. McConnell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred Senate bill No. 30, a bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill read a third time.
The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Tippecanoe, Clark of Union, Cotton, Dickerson, Dunn, Ellis, Essex, Gordon, Gwinn, Hall of Laporte, Hervey, Hudson, Lemmon, McConnell, McClure, McMurry, Murray, Peckenpaugh, Sanford, Sidwell, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Buskirk, Carnahan, Clark of Rush, Davis, Fouts, Hall of Warren, Hargrove, Huffstetter, Hume, Hunt, Jeter, King of Madison, Landers, Lewis, Lowe, McCord, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, and Usry—41.

So the bill did not pass.

On motion by Mr. McConnell,

The vote rejecting said bill was reconsidered.

Mr. Gordon moved to indefinitely postpone the bill,

Which motion prevailed.

Mr. Gifford, from a select committee, made the following report:

MR. SPEAKER:

The special committee to whom was referred House bill No. 121, providing for the re-location of county seats, with an amendment thereto, have directed me to report the same back to the House and to recommend its passage as amended.

The report was concurred in, and the amendment adopted.

The bill was read a third time, and the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Earl, Ellis, Essex, Gifford, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Huffstetter, Hume, Hunt, Jeter, Landers, Lemmon, Lewis, McCord, McMurry, Malick, Mellett, Meredith, Miller, Monks, Peckenpaugh, Peden, Peyton, Sanford,

Schoonover, Sims, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Test, Todd, Trusler, Turner, Usry, and Wilson—67.

Those who voted in the negative were,

Messrs. Fouts, Frazer, Gilham, McConnell, Sidwell, Tanner, Thomas, and Mr. Speaker—8.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Meredith, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred Senate bill No. 29, a bill to provide for the organization and government of railroad companies and in relation to existing railroad companies," have had the same under consideration, and directed me to report the following amendments and recommend their adoption, to-wit:

At the end of section 16 add the following proviso:

"Provided, That such proceedings shall be no bar to subsequent proceedings to assess any additional damages, in case the railroad company shall fail to complete their road in good faith, in pursuance of the true intent and object of their incorporation."

SEC. 21. Amend the proviso by adding after the word "issued" the following words: "in the similitude of bank notes," so as to read "that no notes or evidences of debt shall be issued "in the similitude of bank notes" or which shall be used as a currency."

SEC. 22. Strike out the proviso which reads in these words: *"Provided*, That no such mortgage shall be made without the consent of persons owning a majority of the capital stock of such company exclusive of bonds and mortgages," and insert in lieu thereof the following:

"Provided, That no such mortgage shall be made without the concurrence of two-thirds of the directors of such company."

The report was concurred in.

Mr. Frazer offered the following amendment:

Amend 21st section by adding these words: "and no such note or evidence of debt, payable to bearer or transferable by mere delivery, shall be for a less sum than one hundred dollars,"

Which was adopted.

Mr. Buskirk offered the following amendment:

Provided further, That all bonds or notes issued by such company, in pursuance of the provisions of this section, shall be received by such company in payment of all debts and freight due to such company.

Which amendment was adopted.

Mr. Frazer offered the following amendment

Amend section 22 by inserting between the words "directors" and "consenting" these words: "and a majority of the stockholders resident within this State."

Which was adopted.

The amendments were ordered to be engrossed.

Mr. Meredith moved that the amendments be considered as engrossed, and the bill read a third time.

Which motion did not prevail.

Mr. Buskirk moved to re-consider the vote on concurring in the amendment of the Senate to House bill No. 94, a bill to amend the 41st section of an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and re-claiming thereof in accordance with conditions of said grant," approved May 29th, 1852.

Which motion prevailed.

The question being on concurring in the amendment of the Senate, Mr. Buskirk offered the following amendment to the bill:

Insert at the commencement of the first section the following: "*Be it enacted by the General Assembly of the State of Indiana,*"

Which amendment was adopted by unanimous consent of the House.

Mr. Carnahan, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of William McBean, praying the passage of an act to enable a railroad company in Illinois to construct a road in the State of Indiana to connect therewith, and terminating at the city of Evansville, has had the same under consideration and has instructed me to report that ample provision has already been made by statute to effect the object of the petitioner, and that further legislation upon the subject is unnecessary. They, therefore, ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 12, and compared the same with the original copy thereof, and find that the same has been correctly engrossed

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the accompanying bills and resolution of the House, with the engrossed bills and resolution of the corresponding number, viz: bills 5 and 136, and resolution 4, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 121, and have compared the same with the original copy thereof, and find that the same has been correctly engrossed.

On motion by Mr. Hall of Warren,
The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bill have examined bills No. 167, and find the same correctly engrossed.

Mr. Branham, from a select committee, made the following report:

WHEREAS, it is represented to this General Assembly that the Madison and Indianapolis railroad is greatly embarrassed in its pecuniary affairs, and that in consequence of such embarrassment, said company is unable to discharge its indebtedness to the State, and that there is danger that the claim of the State will be lost;

AND WHEREAS, it is further represented that a part of such indebtedness can be secured to the State by compromise, and thereby that something be saved; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, John M. Lord, Agent of State, and Elijah Newland, Trustee, be and they are hereby appointed commissioners to investigate the affairs of the Madison and Indianapolis Railroad Company, and if upon such investigation they or a majority of them shall deem that the interests of the State will thereby be promoted, it shall be their duty to make such settlement and compromise with said company, as can be effected, and as will secure the State the greatest amount which can be secured; *Provided*, however, that such amount shall not be less than seventy-five thousand dollars of the five per cent. stocks of the State.

SEC. 2. It shall be a fundamental condition of such compromise, *that the amount* agreed upon shall be secured to the State by undoubted security.

SEC. 3. Said commissioners shall have full power, in pursuance of this act, to agree upon the details of such compromise, and the time and manner of payment, and the kind of security, and upon making any such compromise, may execute all acquittances, releases, discharges and conveyances, which may be necessary or proper in the premises, all of which shall be binding upon the State.

SEC. 4. Such commissioners shall (except the Governor) before entering upon their duties, take and subscribe an oath, that they will faithfully and honestly discharge their duties.

SEC. 5. If said commissioners shall deem that the interests of the State will not be promoted by any compromise which can be made, it shall then be the duty of the Governor to take such steps as he may deem useful to secure the interests of the State, and to secure and collect the indebtedness of said railroad company to the State, either by suit or otherwise.

SEC. 6. A majority of said commissioners concurring, shall be sufficient in the determination of any question which may arise in the discharge of their duties, and they shall report to the next session of the General Assembly a statement of all offers, propositions, and negotiations which may be made between themselves and said company, and such other information as will give a correct understanding of the subject, and of the acts of said commissioners to the General Assembly.

SEC. 7. Said Madison and Indianapolis Railroad Company shall not declare or pay dividends, or make any other distribution to the stockholders of the receipts of the road, until all the floating or unfunded debts are paid, nor until such company shall pay or cause to be paid the debts of the Columbus and Shelby railroad company, incurred for labor, right of way, or materials, other than the iron used in the construction of said road, and for any violations of the foregoing provision, the directors who shall vote for such dividend,

and the officers who shall pay the same, shall be individually liable to the parties aggrieved for the amount so diverted; *Provided*, that all the right, title, and interest of the State in said road when conveyed, shall vest in said company as aforesaid, subject to the payment of all the debts specified in this section, which debts are hereby expressly declared to be a charge upon said interests when so released or conveyed, and *Provided*, further, that the Madison and Indianapolis Railroad Company shall not be required to pay any portion of the debts of the said Columbus and Shelby Railroad Company as above provided, unless the said Columbus and Shelby Railroad Company shall deliver to the said former company certificates of shares in the capital stock of said latter company to the amount of the advances heretofore made, and from time to time such sums as shall be paid by the said Madison and Indianapolis Railroad Company in liquidation of said debts, and said Madison and Indianapolis Railroad company shall have a right to receive, hold, and dispose of said stocks as other shareholders in said Columbus and Shelby Railroad Company.

SEC. 8. There being in the opinion of this Legislature an emergency requiring the immediate action of the State, this act shall take effect and be in force from and after its passage.

The report was not concurred in.

Mr. Shryock moved to reconsider the vote refusing to concur in the report:

Which motion prevailed.

Mr. Carnahan moved to amend by striking out the name of John M. Lord, Agent of State, and inserting that of Thomas Stanfield, Which was agreed to by consent.

Mr. Hunt of Madison offered to amend as follows:

Strike out the names of Elijah Newland and the Governor, and insert David Kilgore and Solomon Meredith.

On motion by Mr. Test,

The amendment was laid on the table.

The amendment as amended was then adopted.

Mr. Humphreys moved that the bill be considered as engrossed, and read a third time.

Which motion prevailed.

The bill was read a third time, the question then being, Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Buskirk, Clark of Tippecanoe, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gwinn, Hall of Laporte, Harryman, Hervey, Hester, Hillyer, Humphreys, McConnell, McCord, McMurphy, Malick, Mellett, Meredith, Merrifield, Monks,

Murray, Newcomb, Sanford, Schoonover, Sidwell, Sims, Shull, Smith of Lagrange, Spotswood, Sturgis, Tackett, Test, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Brothwell, Carnahan, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Davis, Earl, Essex, Gordon, Hadsell, Hall of Warren, Hargrove, Huffstetter, Hume, Hunt, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Miller, Montgomery, Peckenpaugh, Peden, Peyton, Shanks, Shryock, Stanton, Studabaker, Tanner, Thomas, Usry, and Weir—39.

So the bill did not pass for want of a constitutional majority.

Mr. Hervey, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of Wm. H. Churchman, have very carefully considered the subject, and are unanimously of opinion that the claim ought to be allowed. The facts are that the State brought suit against Mr. Churchman for defalcation, and that it appeared upon the trial, beyond all reasonable question, that the suit had neither justice nor law to sustain it. The decision was in his favor. His reputation as well as his pecuniary interests required him to defend. This he did, coming from a distant State for that purpose, at considerable expense and loss of time. The proceeding against him was clearly oppressive and ought not to have been instituted. Indeed it is believed that no private individual of ordinary prudence, after hearing the nature of the proofs to be adduced, (which might in this case easily have been learned, and therefore should have been,) would for a moment dream of calling his neighbor into court to litigate such a case. While the committee say this, they wish to add that they do not thereby reproach the motives of the executive in causing the suit to be instituted.

The committee recommend the adoption of the accompanying resolution:

Resolved, That the committee on ways and means be instructed to provide by the specific appropriation bill for the payment to William H. Churchman of the sum of four hundred and thirty-seven dollars, for counsel fees and expenses in a suit prosecuted against him by the State, which suit was unfounded and oppressive.

The report was concurred in.

Mr. Test moved to amend the resolution by adding the following:

And further, that said committee be directed to inquire with regard to the sum of \$1,362 23, which is in dispute between the Treasurer of State and William H Churchman, late Superintendent of the Institute for the education of the blind, and take such action as in their opinion may be necessary to secure the restoration of said sum to the funds of the institute.

Which was adopted.

The question then being on the adoption of the resolution as amended,

Messrs. Logan and King of Johnson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Tippecanoe, Cotton, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hervey, Hillyer, Hudson, Landers, McConnell, McCord, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Test, Thomas, Trusler, Turner, Weir, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Brothwell, Carnahan, Clark of Steuben, Clark of Union, Coen, Davis, Dickerson, Hadsell, Hargrove, Harryman, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, Lemmon, Lewis, Logan, Lowe, McClure, McMurry, Malick, Martin, Miller, Monks, Montgomery, Peden, Peyton, Schoonover, Shull, Studabaker, Tanner, Usry, Wilson, and Wheeler—40.

So the resolution was adopted.

Mr. Humphreys moved to take up House bill No. 157. A bill to amend sections 5 and 6 of an act entitled "an act to enable the Madison and Indianapolis Railroad Company to avoid the incline plane at Madison," to provide for the sale of the interest of the State in said railroad, and to repeal, so far as it affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of an act entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28th, 1842; approved February 28th, 1852. Also, to provide for the prompt payment of the floating or unfunded debt of said company, and also the debts of the Columbus and Shelby Railroad Company,

and to enable the Madison and Indianapolis Railroad Company to receive, hold, and dispose of a certain amount of stock in said Columbus and Shelby Railroad Company.

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Tippecanoe, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Sturgis, Tanner, Test, Turner, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Essex, Gordon, Hadsell, Hargrove, Huffstetter, Hume, Hunt, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Martin, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shanks, Smith of Perry, Studabaker, Tackett, Thomas, Trusler, Usry, Weir, and Wilson—36.

So the bill passed.

Mr. Frazer offered the following amendment to the title:

Strike out the title and insert the following: A bill providing for an investigation of the affairs of the Madison and Indianapolis Railroad Company, authorizing a compromise therewith if deemed of advantage to the State, and providing for the payment of said company's floating and unfunded debt, and of certain debts of the Columbus and Shelby Railroad Company, and empowering said Madison and Indianapolis Railroad Company to receive, hold, and transfer stock in the Columbus and Shelby Railroad Company.

Which amendment was adopted.

The title as amended was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Shryock obtained leave and introduced

Bill No. 211. A bill declaring certain statutes therein named a misprint, attaching certain territories therein named to the county of Fulton, and legalizing the acts of officers in said territory.

Which was read a first time and passed to a second reading.

On motion by Mr. Hudson,

The House adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
February 21st, 1855. }

House met pursuant to adjournment.

On motion by Mr. Spotswood,

The journal was adopted without reading.

PETITIONS, MEMORIALS, &C., PRESENTED

By Mr. Spotswood,

Two petitions from sundry citizens of Vermillion county, on the subject of chartering a State bank with branches, in conformity with the provisions of the constitution.

On motion by Mr. Spotswood,

The petitions were referred to the committee on banks.

Mr. Fouts moved to suspend the order of business and take up

House bill No. 204. A bill to repeal all laws incorporating the town of Clarksville, and making the territory included therein subject to the general laws of the State of Indiana.

Which motion prevailed.

The bill was read a second time, and,

On motion by Mr. Fouts,

Was referred to the committee on the judiciary.

Mr. Hester, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 111. A bill for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards, have had the same under consideration, and have directed me to report the same back with the accompanying amendments, and when so amended they recommend the passage of the bill.

Add the following proviso to section one:

"*Provided*, that no such association shall hold more than forty thousand dollars in real estate, nor shall the capital stock of any such association exceed one hundred thousand dollars "

Add the following section :

"SEC. —. That an act entitled 'an act for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards;' approved May 13th, 1852; also an act entitled 'an act to amend the first, second, and third sections of an act entitled an act for the incorporation of high schools, academies, theological institutions, and missionary boards, approved May 13, 1853, approved Feb. 22, 1853, be and the same are hereby repealed, reversing all rights of action for and against said associations formed under said acts or either of them, and all pending suits growing out of any of said acts."

Which report was concurred in, and the amendments adopted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs Alden, Bartholemew, Beach, Bonner, Branham, Brazelton, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hester, Hillyer, Hudson, Huffstetter, Humphreys, King of Johnson, King of Madison, Lewis, McConnell, McClure, McFarland, Martin, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peck-enpauqh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Smith of Lagrange, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Turner, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Burnett, Carnahan, Cotton, Crozier, Davis, Gordon, Hargrove, Hume, Hunt, Jeter, Landers, Lemmon, Logan, Lowe, Miller, Montgomery, Shull, Usry, Weir, Williamson, Wilson, and Wheeler—22.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Sidwell, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee, to whom was referred Senate bill No. 11. An act to provide for a geological, mineralogical and agricultural survey of the State of Indiana, have had the same under consideration and instructed me to report said bill back to the House without amendment and recommend its passage.

The report was concurred in and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Burnett, Cain, Carnahan, Clark of Tippecanoe, Dunn, Earl, Fouts, Frazer, Gifford, Gwinn, Hall of Warren, Harryman, Hester, Hillyer, Humphreys, McConnell, Martin, Meredith, Merrifield, Monks, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Thomas, Todd, Turner, Williamson, and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Bonner, Brothwell, Buchanan, Buskirk, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozer, Davis, Dickerson, Ellis, Essex, Gilham, Gordon, Hadsell, Hargrove, Hudson, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Mellett, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Schoonover, Sims, Shull, Studabaker, Tanner, Test, Trusler, Usry, and Wilson—52.

So the bill did not pass.

Mr. Frazer moved to suspend the order of business to take up

House bill No 78. A bill to amend an act, entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852.

Which motion did not prevail.

On motion by Mr. Logan,

The papers as to the claim of Shannon were withdrawn.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills Nos. 62, 70, 78, 165, 176, and 199, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills, have compared enrolled bill of the House No. 67 with the engrossed copy thereof and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bill No. 96, and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Mr. Tackett, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred Senate bill No. 76, a bill to amend section 3 of an act for the regulation of weights and measures, approved June 9th, 1852, have had the same under consideration, and have directed me to report the same back with the following amendments :

1st. Strike out the word "merchantable" wherever it occurs in the first section.

2nd. Strike out "57 lbs." and insert "48 lbs." as the weight of onions.

3d. Strike out "76 lbs." and insert "70 lbs." as the weight of mineral coal.

And when so amended they recommend its passage.

Mr. Fouts moved to amend the amendment proposed by the committee by striking out 70 lbs. as the weight of a bushel of coal, and inserting 76.

Which motion did not prevail.

The question then being on concurring in the report, it was concurred in, the amendments adopted, and the bill read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hargrove, Hester, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, Mc-

Cord, McClure, McMurry, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, and Usry—67.

Those who voted in the negative were,

Messrs. Clark of Rush, Essex, Harryman, Hillyer, Hudson, Hunt, McConnell, Murray, Peckenpaugh, Peyton, Schoonover, Shull, Spot-wood, and Williamson—11.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cain moved to suspend the order of business in order to take up

Senate bill No. 118. A bill for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same,

Which motion prevailed.

The bill was read a first time.

Mr. Cain moved to suspend the rules and read the bill a second time.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hargrove, Hervey, Hester, Hillyer, Hume, Humphreys, King of Madison, Lowe, McConnell, McCord, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Test, Thomas, Trusler, Turner, Usry, Weir, and Williamson—62.

Those who voted in the negative were,

Messrs. Brazelton, Clark of Jasper, Dickerson, Essex, Huffstetter, Jeter, King of Johnson, Lemmon, Lewis, Logan, McClure, Todd, and Wilson—13.

So the rules were suspended and the bill read a second time.

On motion by Mr. Frazer,

The bill was referred to the committee on trust funds.

Mr. Meredith, from the committee on ways and means, obtained leave and made the following report:

MR. SPEAKER:

I am directed by the committee on ways and means to introduce the following bill and recommend its passage:

No. 212. A bill to raise a revenue for State purposes for the years 1855, and 1856,

Which was read a first time.

Mr. Meredith moved to suspend the rules and read the bill a second time.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, King of Johnson, King of Madison, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Montgomery, Peck-enbaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tanner, Test, Thomas, Trusler, Turner, Usry, and Williamson—62.

Those who voted in the negative were,

Messrs. Carnahan, Hume, Humphreys, Jeter, Lemmon, Lewis, Peden, Todd, and Wilson—3.

So the rules were suspended and the bill read a second time.

On motion by Mr. Meredith.

The bill was made the special order of the day for to-morrow at 2 o'clock P. M.

Mr. Frazer moved to suspend the rules and take up

House bill No. 78. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith;" approved June 14th. 1852.

Which motion prevailed.

On motion by Mr. Frazer,

The bill was made the special order of the day for this afternoon at 2 o'clock.

Mr. Hester, chairman of a select committee, to whom was referred House bill No. 117, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 117. "A bill repealing an act to authorize and regulate the business of general banking; approved May 25th, 1852, and providing for the liquidation of banks operating under said act," have had the same under consideration and a majority thereof directed me to report the same back with the accompanying amendment and recommend the passage of the bill.

Strike out the bill from the enacting clause and insert the following: That the act entitled "an act to authorize and regulate the business of general banking," approved May 25th, 1852, is hereby repealed, reserving to the State, or to any person or persons having a right of action, the power to sue and recover judgment for any claim or demand against any individual or banking association who have organized a bank or banks under said act, and also the right of any bank or banking association to sue for and recover judgment for any claim or demand such bank or banking association may have against any individual or corporation in the same manner as if such act had not been repealed; *Provided*, however, that nothing in this act shall be construed in any manner to affect the securities now deposited in the office of Auditor of State for the redemption of the issues of such bank or banking association.

That the Governor, Auditor and Treasurer of State shall act as a board of control, who shall proceed without delay to close all banks organized under the act aforesaid, which have heretofore failed or refused to redeem their notes of circulation with coin, presented at the banking house where they are made payable, within the proper banking hours, and for the purpose of redeeming the issues of said failing banks, it shall be the duty of such board of control to sell the bonds deposited in the Auditor's office by such banking associations, at private sale (without advertising) either in the city of Indianapolis, or in the eastern cities, or they may exchange bonds for the bills of the bank for whose security they may have been deposited; and where the same bank has deposited with the Auditor of State the bonds of different value, the bonds of least value shall be first exchanged for returned notes; and in no case shall bonds be exchanged for a less amount of paper than that for which they were deposited; and where they deem the bonds and other assets belonging to the bank insufficient to redeem the outstanding notes and liabilities, they may make such compromises with the stockholders as they believe will be for the interest of the bill holders.

SEC. 3. The board of control shall have power to sue and recover for the use of the bill holder upon any amount of unredeemed paper of such banks deposited in their hands for such purpose, the stockholders of any such banking association in their individual capacity, when the bonds and assets of the banking association shall

be insufficient to pay the liabilities of such banking association, which suit shall be brought in the name of the State of Indiana.

SEC. 4. Whenever the bonds of such association, and their assets, have been converted into means available for the redemption of the bills of such association, such board shall give notice in some public newspaper in the city of Indianapolis; and such board shall prescribe the manner of redemption not inconsistent herewith, the time therefor, not exceeding twenty days after the conversion of such bonds and other assets as aforesaid, and all other regulations not otherwise provided in this act, for the protection of the interest of the bill holders of such association; and they shall keep a full account of their proceedings in proper registers, and make report of their proceedings to the ensuing General Assembly.

SEC. 5. Whenever any banking association organized under said act, shall fail to redeem its notes upon lawful demand, said board of control shall cause the same to be put in liquidation as is hereinbefore provided, for those banks which have heretofore so failed.

SEC. 6. Said board of control shall require all the banks organized under said act, to present their outstanding notes on or before the first day of May, 1859, to the Auditor of State for cancellation; after which time no banking association shall be permitted to operate under said act, and such bank failing so to do, shall be put in liquidation as heretofore provided.

SEC. 7. If any of the banks mentioned in section 1, of this act, shall resume the redemption of its notes within twenty days after the passage of this act, it shall not be put in liquidation, but may continue its banking operations under the restrictions mentioned in the preceding section, unless it shall thereafter fail to redeem, when it shall be put in liquidation as is hereafter provided.

SEC. 8. No more notes shall be issued by any such bank after the passage of this act, than those already countersigned and registered.

SEC. 9. The demand for the redemption of any such circulating notes may be made between the hours of nine o'clock A. M. and four o'clock P. M. of any day except Sunday and the 4th of July, at the usual office of redemption of such banks, if there be any, and if there be none where such circulating notes are made payable, or no agent present thereat, the fact shall be stated in the certificate of protest, and that shall be all that shall be requisite to constitute a demand within the meaning of this act.

SEC. 10. Such demand and the protest thereupon, and certificate thereof, may be made by any county officer using an official seal, and the certificate may be in this form:

“STATE OF INDIANA, ——— County.

I this day presented for redemption the annexed note at the office of redemption of the (here insert the name of the bank), and the same was not then and there redeemed, or if there be a package of bills presented at the same time the certificate shall set forth

the denomination and numbers, and represent them as "accompanying," and not "annexed." When there is no agent and when there is no office, the fact should be stated with the certificate.

Witness my hand and official
Seal, ——— day of ———.

A. B.

Which demand shall be made for all notes presented at any one time by any one person and shall be included in but one protest, for the certificate whereof the officer shall be entitled to fifty cents for the first note, and five cents for each additional note, to be paid out of the assets of such bank when it shall have been put in liquidation unless sooner paid by such bank.

SEC. 11. Whenever a protest substantially in the form herein mentioned shall have been presented to said Auditor, such Board of Control shall cause the bank whose notes are so protested to be put in liquidation under the regulations herein provided.

SEC. 12. As the present state of the currency issued by said banks failing as aforesaid, has produced and is yet occasioning embarrassment in all branches of trade, demanding an immediate remedy, which this act proposes, an emergency is hereby declared to exist for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel."

Mr. Frazer moved to lay the report on the table and that 200 copies be printed.

Which motion prevailed.

On motion by Mr. Murray,

The further consideration of the subject was suspended and made the special order of the day for Friday next at 2 o'clock.

Which motion prevailed.

Mr. Merrifield, from the committee on benevolent and scientific institutions, made the following report:

MR. SPEAKER :

The committee on benevolent and scientific institutions, to whom was referred House bill No. 166 with instructions, and Senate bill No. 103, have had the same under consideration, and report the same back, and recommend that the House bill be laid on the table, and that the Senate bill, which is identical with that of the House, be amended in conformity with the instructions of the House, and when thus amended the committee recommend its passage.

The report was concurred in.

Mr. McConnell, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred petition No. —, of George Bradford of Daviess county, asking compensation from swamp land fund of said county, for draining lands there situate, before the existence of the present swamp land law, have had the same under consideration, and direct me to report the following bill:

No 212. A bill authorizing the swamp land commissioners of Daviess county to make compensation to George Bradford for draining swamp lands in said county.

The bill was read a first time and passed to a second reading.

On motion,
The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met, pursuant to adjournment.

House bill No. 78. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852, being the special order of the day,

The House resolved itself into committee of the whole, Mr. Buskirk in the chair.

Mr. Buskirk, chairman of the committee of the whole House, made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 172, entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," have had the same under consideration, and have directed me to report the same back to the House with one amendment thereto, in which the concurrence of the House is requested. And having fully reported, the committee would ask to be discharged from any further con-

sideration of the subject. Strike out "30 cents," and insert "20 cents," in the first section.

Mr. Frazer moved to concur in the report of the committee with the following amendment:

Strike out "20 cents," in the amendment recommended by the committee, and insert "25 cents."

Pending which,

On motion by Mr. Hudson,

The House adjourned till 9 o'clock on to-morrow morning.

THURSDAY MORNING, 9 o'clock, }
February 22d, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Thomas,

The reading of the journal of yesterday was dispensed with, and it was so adopted.

Mr. Hudson obtained leave and introduced the following resolution:

Resolved, That this House will, the Senate concurring, go into the election of United States Senator State Librarian, State Printer, Agent of State, Warden of the State Prison, and all other officers, to be elected, on to-morrow at 2 o'clock P. M.

Which was adopted.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills No. 21, and 159, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Weir, from the committee on apportionment, obtained leave and made the following report:

MR. SPEAKER:

The committee on apportionment have had the subject of districting the State for senatorial and representative purposes under consideration, and have directed me to report the accompanying bill for that purpose, and to recommend its passage :

No. 214. A bill to apportion Senators and Representatives for the next six years.

Which was read a first time and passed to a second reading.

PETITIONS, MEMORIALS, REMONSTRANCES, PRESENTED.

By Mr. Lowe,

A remonstrance from sundry citizens of Warrick county, remonstrating against being attached to Gibson county.

On motion by Mr. Lowe,

The remonstrance was referred to the select committee on that subject.

Mr. Davis presented a petition from sundry citizens of the county of Pike, praying that the portion of said county which they inhabit be stricken off, and attached to the county of Warrick.

Mr. Davis moved to refer to a select committee.

Which motion prevailed.

Said committee to consist of Messrs. Lowe, Hargrove, Smith of Perry, Williamson, Hardin, Carnahan, and McCord.

On motion by Mr. Hargrove,

Mr. Davis was added to said committee.

Mr. Logan presented a petition from David Miller, Warden of the State prison.

Which was,

On motion,

Referred to the committee on claims.

Message from the Governor, by Mr. King, executive messenger :

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed the following bills, to-wit :

No. 4. A joint resolution upon the subject of lands and increase of pensions for military services.

No. 5. An act to amend the sixty-fifth and sixty-sixth sections

of an act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers, connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, and supplemental thereto.

No. 67. An act to provide for the confinement of persons insane and dangerous, when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed.

No. 136. An act to enable cities which have subscribed for stocks in companies incorporated to construct works of public utility, under the 56th section of the general act for the incorporation of cities, and to ratify the same.

Which bills originated in the House of Representatives.

By Mr. Stanton,

A petition from sundry citizens of New Garden, Wayne county, on the subject of township libraries and circuit superintendents.

On motion by Mr. Stanton,

The petition was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Wilson, from the committee on trust funds, made the following report:

MR. SPEAKER:

A majority of the committee to whom was referred Senate bill No. 148, entitled a bill for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same, have examined said bill and directed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill read a third time.
The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gilham, Gordon, Hervey, Mellett, Merrifield, Murray, Peckenpough, Sims,

Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Tanner, Thomas, Trusler, Turner, Wilson, and Wheeler—38.

Those who voted in the negative were,

Messrs. Gifford, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hester, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Miller, Monks, Montgomery, Peyton, Sanford, Schoonover, Sidwell, Shull, Stanton, Studabaker, Todd, Usry, Weir, Williamson, and Mr. Speaker—41.

So the bill did not pass.

On motion by Mr. Hester,

The vote on said bill was re-considered.

Mr. Hester then moved that the bill be laid on the table.

Which motion prevailed.

On motion by Mr. Huffstetter,

The order of business was suspended.

Mr. Huffstetter then moved to take up

House bill No. 9. "A bill authorizing railroad companies to create a preferred stock."

Mr. Huffstetter moved to refer the bill to a select committee, with the following instructions:

"To confine the operation of the bill to such companies as have constructed two hundred miles, or more, of railroad within this State; and also to limit the amount of preferred stock to an amount not exceeding one-half of the amount of the capital stock of any company that may avail itself of the provisions of this act."

Mr. McMurry moved to indefinitely postpone the bill.

Mr. Newcomb called for the previous question, which was seconded by the House.

The question being, shall the main question now be put?

It was so ordered by the House.

The question then being, shall the bill be indefinitely postponed?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Earl, Essex, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett,

Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peden, Peyton, Sims, Shanks, Shull, Smith of Lagrange, Studabaker, Tackett, Todd, Usry, Walpole, Weir, Williamson, and Wilson—63.

Those who voted in the negative were,

Messrs. Bonner, Buskirk, Clark of Tippecanoe, Dickerson, Dunn, Ellis, Fouts, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Lemmon, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Stanton, Sturgis, Tanner, Test, Thomas, Trusler, Turner, Wheeler, Wood, and Mr. Speaker—27.

So the bill was indefinitely postponed.

Mr. Hester moved to take from the table

Senate bill No. 148. A bill for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same.

Which motion prevailed.

Mr. Hester offered the following amendment:

Amend by striking from the enacting clause except the last section, and insert the following:

"That the two hundred and thirty-eighth section of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, which reads as follows:

"**SEC. 238.** No person offered as a witness shall be excluded from giving evidence either in person or by deposition in any judicial proceeding, by reason of incapacity from crime or interest. But this section shall not render competent a party to an action, or the person for whose use it is brought, or the husband or wife of any such party," be amended to read as follows:

"**SEC. 238.** No person offered as a witness shall be excluded from giving evidence either in person or by deposition in any judicial proceedings, by reason of incapacity from crime or interest. But this section shall not render competent a party to an action or the person for whose use it is brought, or the husband or wife of any such party, except that in all suits now pending or hereafter commenced, in relation to the surplus revenue and other school or trust funds, the county auditor and county treasurer shall be competent witnesses, whether they are parties to such suits by virtue of their offices."

Which amendment was adopted by unanimous consent.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Crozier, Davis, Dickerson, Dunn, Essex, Fouts, Frazer, Gilham, Gordon, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Meredith, Monks, Montgomery, Murray, Newcomb, Peck-enpauqh, Peyton, Schoonover, Sidwell, Sims, Shanks, Shull, Stanton, Studabaker, Tanner, Test, Thomas, Todd, Turner, Usry, Walpole, Weir, Wilson, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Burnett, Clark of Rush, Clark of Tippecanoe, Coen, Earl, Gifford, Gwinn, King of Johnson, Mellett, Merrifield, Sanford, Smith of Lagrange, Tackett, Trusler, Williamson, and Wheeler—16.

So the bill passed.

Mr. Hester moved to amend the title as follows :

A bill to amend an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852; and to provide that county auditors and treasurers shall be competent witnesses in suits now pending or hereafter to be commenced in relation to the surplus revenue and other school and trust funds,

Which amendment was adopted.

The title, as amended, was then adopted.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Studabaker,

House bill No. 93. A bill to amend an act to authorize and regulate the business of general banking,

Was taken up.

On motion by Mr. Hudson,

The bill was recommitted to the committee on banks, with instructions to strike out section 48.

Mr. Hudson obtained leave and made the following report :

MR. SPEAKER:

The committee on banks, to whom was referred House bill No. 93, have had the same under consideration, and have instructed me to strike out section 48 of said bill, and after thus amended, recommend its passage;

The report was concurred in.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Brothwell, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hillyer, Hudson, Hume, King of Johnson, King of Madison, Landers, Lemmon, McMurry, Merrifield, Monks, Murray, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Thomas, Todd, Trusler, Turner, Walpole, Weir and Williamson—55.

Those who voted in the negative were,

Messrs. Branham, Buchanan, Buskirk, Clark of Rush, Dunn, Fouts, Hall of Warren, Hervey, Hester, Humphreys, Hunt, Jeter, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Malick, Martin, Mellett, Miller, Montgomery, Newcomb, Peden, Peyton, Schoonover, Tackett, Tanner, Test, Usry, Wheeler and Mr. Speaker—30.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Weir moved to reconsider the vote;

Which motion did not prevail.

Mr. Dunn moved to suspend the order of business and take up

House bill No. 137. A bill in relation to subscription to the stock of any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced;

Which motion prevailed.

The bill was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Buchanan, Buskirk, Cain, Carnahan, Clark of

Steuben, Clark of Tippecanoe, Crozier, Dunn, Essex, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Hester, Hillyer, Jeter, King of Johnson, McClure, McFarland, Malick, Martin, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Tackett, Test, Turner, Wheeler and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Branham, Brazelton, Brothwell, Burnett, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Dickerson, Earl, Ellis, Gordon, Hall of Warren, Huffstetter, Hume, Humphreys, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McMurry, Mellett, Miller, Peden, Peyton, Shanks, Tanner, Trusler, Usry, Weir, Williamson and Wilson—37.

So the bill did not pass for want of a constitutional majority.
Mr. Turner obtained leave and introduced

House bill No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State;

Which was read a first time and passed to a second reading.

On motion by Mr. Huffstetter,

The order of business was suspended, and

House bill No. 149. A bill providing for the sale of saline lands remaining unsold in this State,

Was taken up and read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Branham, Brazelton, Brothwell, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gordon, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Tackett, Tanner, Test, Thomas, Trusler, Turner, Usry, Weir, Williamson, Wilson, Wheeler and Mr. Speaker—70.

Those who voted in the negative were,

Messrs Bonner, Clark of Steuben, Gwinn, Hadsell, Landers and Peden—6.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Buskirk moved to reconsider the vote upon House bill No. 88. A bill to amend chapter 101, section 14, as within entitled and set forth, of the revised statutes of 1852;

Which motion prevailed.

Mr. Buskirk moved to refer the bill to a select committee, with the following instructions:

Strike out all of the 1st section after the word "to-wit," in the 8th line of the 2d page of the bill, and insert the following:

SEC. 14. When any society within the meaning of this act shall have been dissolved from any cause, a majority of the persons interested therein may revive the same within five years after such dissolution, by electing a new board of trustees and making record of such election in the recorder's office of the proper county as hereinbefore provided; and whenever from any cause, any church or religious society, holding and possessing property within the meaning of this act shall have been dissolved, the annual or quarterly conference, or other ecclesiastical body to which such church or religious society is directly subordinate, shall have power to appoint trustees in accordance with the customs and usages of said church, to take the charge and control of the property of said church or society until it shall be revived as contemplated by this act.

Which motion prevailed.

Messrs. Buskirk, Clark of Rush, and McFarland were appointed said committee.

Mr. Murray obtained leave and offered the following resolution:

Resolved, That when this House adjourn, it stand adjourned until to-morrow morning at 9 o'clock, and that the use of this House be tendered to the Democratic party for the purpose of holding a convention.

Which was adopted.

Mr. Test obtained leave, and introduced the following resolution:

WHEREAS, It has always been the usage of the General Assembly of the State of Indiana to choose United States Senators by a joint vote of the two houses of said General Assembly; And

whereas, the only law, except such usage under which the Legislature of this State has acted in the election of such Senators, for the last fifteen years is the statute of 1837, requiring such elections to be made by a *vive voce* vote; And whereas, Section 13, of Article 2 of the Constitution of this State prescribes that "all elections by the General Assembly, or by either branch thereof, shall be *viva voce*;" And whereas, Section 3, of Article 1, of the Constitution of the United States declares that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof, for six years, and each Senator shall have one vote;" And whereas, it is the opinion of the House of Representatives that by the Constitution of the United States and of this State, the manner of electing a Senator of the United States is sufficiently pointed out "in the absence of any statute law providing for the same;" And whereas, to attempt the selection of a Senator of the United States by a concurrent resolution of the two Houses is an unusual mode of selecting such officer and unprecedented in this State—calculated to defeat the wishes of the people and a majority of their representatives; And whereas, the House is of the opinion that it is an imperative duty devolving upon this Legislature to supply the place of a Senator from this State, whose term will expire on the 4th of March next: therefore,

Resolved, That the Senate be invited to meet the House of Representatives in the Hall of the House on to-morrow (Friday) at the hour of 10 o'clock A. M., for the purpose of electing, by a joint vote of the two houses, a Senator of the United States to fill the vacancy aforesaid, and that the Senate be informed of the adoption of this resolution.

Which resolution was adopted.

On motion by Mr. Murray,
The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
FEBRUARY 23, 1855. }

The House met pursuant to adjournment.

Mr. Logan was called to the chair, *pro tem*.

On motion by Mr. Hall of Warren,

The reading of the journal was dispensed with, and so adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Newcomb,

A petition from the Common Council of the City of Indianapolis.

Mr. Newcomb moved to refer the petition to a select committee.

Which motion did not prevail.

Mr. Shryock moved to refer said petition to the committee on the affairs of the town of Indianapolis.

Mr. Carnahan moved to refer the petition to the committee on claims.

Which motion prevailed.

Mr. Newcomb presented a petition from the firm of Foote and Rice,

Which was,

On motion by Mr. Buskirk,

Referred to the committee on claims.

REPORTS OF STANDING COMMITTEES.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House joint resolutions Nos. 6 and 10, and engrossed House bills Nos. 103, and 97, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Smith of Perry, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means have instructed me to report the following bill and recommend its passage, viz:

Bill No. 216. A bill for the better support and management of the Indiana Institute for the education of the Blind, and repealing a former act in reference thereto.

Which was read a first time and passed to a second reading.

Mr. Smith of Perry moved to suspend the rule and read the bill a second time.

The question being on the suspension of the rules.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Branham, Brazelton, Bur-

nett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, Malick, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tanner, Thomas, Trusler, Usry, Walpole, Williamson, Wilson, and Wheeler—72.

No one voted in the negative.

So the rules were suspended, and the bill read a second time and ordered to be engrossed.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means have directed me to report the following bill and recommend its passage.

Bill No. 217. A bill to provide for the disbursement of the appropriations made by the General Assembly for the support of the Indiana Hospital for the Insane.

Which was read a first time.

Mr. Smith of Perry moved to suspend the rule and read the bill a second time.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Malick, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Thomas, Trusler, Usry, Walpole, Weir, Williamson, Wilson, Wheeler and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Brazelton, Peden and Spotswood—3.

So the rules were suspended,

The bill read a second time and ordered to be engrossed.

Mr. Sanford, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred Senate bill No. 109, entitled "a bill to subject the corporate franchises of plank road and turnpike companies to sale on execution," have had the same under consideration, and have directed me to report the same back with the following amendments for the consideration of the House :

1st. Strike out of line 14, section 1, the words "any gate or" and insert the words "all the."

2d. Strike out the words "gate or" in line 22 of the same section.

3d. Strike out the words "any gate or" in line 2, section 2, and insert "such."

4th. Strike out the words "gate or" in line 6, of the same section.

5th. Strike out the words "gate or" in line 13, of the same section.

6th. Insert at the conclusion of section 2, the following :

Provided, however, That such purchaser is hereby required to keep in such repair so much of said road as is situate within the jurisdiction of the officer making such sale as such company owning such road are required to do by their charter, and such purchaser upon any failure herein may be proceeded against in the same manner and shall be subjected to the same liabilities therefor as are imposed by their charter upon such company.

7th. Strike out section 4.

The report was concurred in, and the amendments adopted.

The question then being, shall the bill be engrossed ?

It was decided in the negative.

Mr. Newcomb, from the committee on temperance, made the following report :

MR. SPEAKER :

The committee on temperance, to whom was referred Senate bill No. 115, entitled a bill to prevent defalcations of certain officers therein named, and to provide penalties therefor, have had

the same under consideration, and have directed me to report it back with the following amendment, and when so amended, to recommend its passage:

Amend by striking out of the bill all after the word "town," in the 5th line of the 1st section, to the word "pay" in the 1st line of the 3d page of said bill, and insert the following:

"Or any officer or agent of any county, township, incorporated town or city who shall fraudulently fail or refuse, at the expiration of the term for which he was elected or appointed, or at any time during such term, when legally required by the proper person or authority to account for and."

Mr. Newcomb moved that the amendment be considered as engrossed, and the bill read a third time.

The bill was then read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hunt, King of Madison, Landers, Lewis, Logan, McConnell, Malick, Mellett, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Turner, Weir, Williamson, Wilson and Mr. Speaker—70.

Those who voted in the negative were.

Messrs. Alden, Hume, Humphreys, Jeter, King of Johnson, Lemon, McFarland, Martin, Miller, Todd, Trusler, Usry, Walpole, Williamson and Wheeler—15.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shryock, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 36, entitled an act to amend the 18th, 24th, 25th and 26th sections of an act, entitled an act regulating descents and the apportionment of estates, approved May 14th, 1852, and adding

two supplemental sections to said act, have had the same under consideration and instructed me to report the same back with the following amendment to-wit, and when so amended they recommend its passage:

Amend section 5 to read as follows: The real property of any inhabitant of this State who shall die leaving no kindred capable of inheriting the same, within the United States, shall pass by descent to such alien, kindred who have become residents of this State, and who have declared or shall declare their intention to become citizens of the United States; nor shall such course of descent to them be interrupted or prejudiced on account of their own alienation at the time of the death of such inhabitant, nor on account of the alienation of any living or deceased ancestor through whom their title should be derived.

The report was concurred in, and the amendment adopted.

The bill was ordered to be engrossed.

Mr. Frazer moved to suspend the order of business and take up House bill No. 78. A bill to amend an act, entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852.

Which motion prevailed.

The question being on concurring in the report of the committee of the whole, with Mr. Frazer's amendment to strike out "twenty cents" and insert "twenty-five cents" in 1st section,

Messrs. Frazer and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brazelton, Burnett, Clark of Steuben, Clark of Tippecanoe, Dickerson, Earl, Essex, Frazer, Gilham, Hadsell, Jeter, King of Johnson, McCord, Merrifield, Smith of Lagrange, Spotswood, Thomas, Todd, Turner, Wheeler, and Mr. Speaker—21.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Branham, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Union, Coen, Cotton, Davis, Ellis, Essex, Fouts, Gifford, Gordon, Gwinn, Hall of Laporte, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Hume, Humphreys, Hunt, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McClure, McFarland, Malick, Martin, Mellett, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpauagh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Perry, Studabaker, Tackett, Tanner, Test, Trusler, Usry, Walpole, Weir, Williamson, and Wilson—63.

So the amendment to the amendment was not adopted.

Mr. Hume offered the following amendment:

Amend first section, third line, by striking out "twenty cents," and inserting "ten cents," on each one hundred dollars.

Mr. Newcomb moved that the amendment be laid on the table, Which did not prevail.

The question then being on the adoption of the amendment offered by Mr. Hume,

Messrs. Frazer and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Essex, Gordon, Hargrove, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Mellett, Miller, Montgomery, Peyton, Schoonover, Sidwell, Smith of Perry, Tackett, Tanner, Test, Usry, Walpole, Weir, and Williamson—37.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, King of Johnson, King of Madison, McConnell, McCord, Malick, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Thomas, Todd, Turner, Wilson, Wheeler, and Mr. Speaker—53.

So the amendment was not adopted.

Mr. Huffstetter offered to amend the amendment by striking out "twenty" and inserting "fifteen cents."

The question being on the adoption of the amendment to the amendment,

Messrs. Huffstetter and Test demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Branham, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Davis, Gwinn, Hall of Laporte, Hargrove, Hervey, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Martin, Mellett, Miller, Montgomery, Peyton, Schoonover, Sidwell, Smith of Perry, Tackett, Tanner, Test, Trusler, Usry, Walpole, Williamson, and Wilson—40.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Bonner, Brazelton, Burnett, Cain,

Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Warren, Harryman, Hillyer, Hudson, King of Johnson, King of Madison, McConnell, McCord, Meredith, Merri-field, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Stada-baker, Sturgis, Thomas, Todd, Turner, Weir, Wheeler, and Mr. Speaker—49.

So the amendment was not adopted.

The question then being on concurring in the report of the committee, it was decided in the affirmative, and the amendment adopted.

Mr. Buskirk offered the following amendment to the bill:

Strike out the section which reads as follows, to-wit:

SEC. —. The State Superintendent shall annually, by the ——— Monday in each year, make out a statement showing the number of scholars in each county in the State, the amount of interest arising from the congressional township fund for distribution in each county, the amount of the income of the common school fund in each county for distribution, and shall so apportion the income of the common school fund as to equalize the amount of funds in each county according to the number of children therein, provided, however, that whenever the income of a congressional township fund in any county derived from the congressional township fund, shall equal or exceed the proportional amount to which it would be entitled in a general distribution, the fund of such township and its enumeration of children, shall be thrown out in the calculation of such apportionment, and in such case shall notify the auditor of the proper county of the exclusion of such township in the apportionment;

And insert the following section in lieu thereof:

SEC. —. The county auditor and treasurer shall have charge of the congressional township fund in their respective counties, and distribute the proceeds of the same, deducting therefrom, the necessary expenses of custody and distribution, to said congressional township for the benefit of the inhabitants of the congressional townships, to which such funds respectively belong, and the funds to be distributed shall not be distributed in reference to the amount of said congressional fund.

Mr. Meredith moved to lay the amendment on the table.

Messrs. Test and Trusler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brazelton, Buchanan, Burnett, Clark of Steuben, Clark of Tippecanoe, Cotton, Dickerson, Earl, Ellis, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Warren, Hester, Hudson, Humphreys, King of Madison, Lemmon, McConnell, McCord, Mc-

Clure, Martin, Meredith, Merrifield, Monks, Newcomb, Peckenaugh, Peyton, Sanford, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Studabaker, Sturgis, Tanner, Thomas, Turner, Walpole, Wilson, and Wheeler—46.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Davis, Dunn, Essex, Hall of Laporte, Hargrove, Harryman, Hervey, Hillyer, Huffstetter, Hume, Jeter, King of Johnson, Landers, Lewis, Logan, Lowe, McFarland, Malick, Mellett, Miller, Montgomery, Peden, Schoonover, Sidwell, Smith of Perry, Stanton, Tackett, Test, Tru-ler, Usry, Weir, Williamson, and Mr. Speaker—45.

So the amendment was laid upon the table.

Mr. Test offered the following amendment:

Amend section 2 by striking out all after the word "fund" in the 14th line, and insert the following:

The income of which shall be applied exclusively to furnishing tuition in the common schools of the State to be distributed as hereinafter provided. But the taxes mentioned and specified in the 1st section of this act, shall be exclusively applied to furnishing tuition in the common schools of the respective counties where-in the same is levied and collected.

Mr. Buskirk obtained leave and offered the following resolution:

Resolved, That during the remainder of this session, this House will meet at half after eight o'clock A. M., and at one and a half o'clock, P. M.

On motion by Mr. Test,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Humphreys moved a call of the House.

The Clerk proceeded to the call and the following members answered to their names:

40-HJ

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Davis, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McFarland, Malick, Martin, Mellett, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studalaker, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Usry, Walpole, Williamson, Wilson and Mr. Speaker—75.

On motion by Mr. Humphreys,
The further call was dispensed with.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, without amendments, viz :

No. 39. A bill to enable railroad companies to compromise with mortgagors and convey part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way when the road has been built before such right of way is fully settled for ; and to enable the vendees on such settlement and conveyance, to hold and enjoy the part so conveyed in satisfaction of such mortgage.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 37, with the engrossed copy thereof, and find the same correctly enrolled.

On motion by Mr. Cotton,

Leave of absence was granted to Mr. Crozier on account of sickness.

On motion by Mr. Gifford,

Leave of absence was granted to Mr. Wood on account of sickness.

On motion by Mr. Clark of Rush,
Leave of absence was granted to Mr. Hudson on account of sickness.

On motion by Mr. Frazer,
Leave of absence was granted to Messrs. McMurry, Murray and Brothwell, on account of sickness.

The question pending at adjournment being on the adoption of the following resolution:

Resolved, That during the remainder of this session, this House will meet at half after eight o'clock A. M., and at one and a half o'clock P. M.,

Mr. Hudson moved to amend by adding, "and that on and after Monday next the House shall meet at seven o'clock P. M."

Mr. Cotton moved to amend the amendment by providing, "and that no member be allowed to speak more than ten minutes on any one question;"

Which was adopted.

The question then being on the amendment as amended,

It was adopted.

The question then recurring on the resolution as amended,

It was adopted.

On motion by Mr. Hester,
The special order of the day, House bill No. 117, was postponed till 2 o'clock on Monday next.

Mr. Cain presented a petition in behalf of Samuel Howard, sheriff of Switzerland county;

Which,

On motion by Mr. Cain,

Was referred to the committee on claims.

Mr. Gwinn presented a petition from the citizens of Carroll county on the subject of township libraries;

Which was referred to the committee on education.

House bill No. 78. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852,

Was again taken up, and the question being on the adoption of Mr. Test's amendment to the 2d section,

Messrs. Hillyer and Test demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Burnett, Buskirk,

Cain, Carnahan, Clark of Rush, Clark of Union, Coen, Fouts, Hall of Laporte, Hargrove, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Hume, Jeter, Logan, McConnell, Malick, Mellett, Meredith, Miller, Newcomb, Peden, Schoonover, Sidwell, Sims, Tackett, Test, Trusler and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Bartholomew, Beach, Buchanan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Cotton, Davis, Earl, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemon, Lewis, Lowe, McCord, McClure, McFarland, Martin, Merrifield, Montgomery, Peckenpaugh, Peyton, Sanford, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tanner, Thomas, Todd, Turner, Usry, Walpole, Williamson, Wilson and Wheeler—53.

So the amendment was not adopted.

Mr. Clark of Rush offered the following amendment :

Amend 9th section of the bill by adding the following: And any tax-payer who may choose to pay to the treasurer of the township wherein said tax-payer has property liable to taxation, any amount of money or furnish building materials for the construction of school-houses, or furniture or fuel therefor, shall be entitled to a receipt from the trustees of said township, which shall exempt such tax-payer from any further taxes for the said purpose, until the taxes of such tax-payer levied for such purposes would, if not thus paid, amount to the sum or value of materials so paid.

Provided, that said materials or furniture, and fuel, shall only be received at the option of the proper township trustees.

Which amendment was adopted.

Mr. Humphreys offered the following amendment :

"Amend by striking out of the bill all of the provision creating the office of circuit superintendent, and prescribing his powers and duties."

Which was adopted.

Mr. Hume offered the following amendment :

"Strike out so much of — section as gives township trustees the power to levy a tax of twenty-five cents on the one hundred dollars."

Mr. Frazer moved to lay the amendment on the table.

Which motion prevailed.

Mr. Smith of Lagrange offered the following amendment :

"Strike out all of the first section after the word "full" in the 4th line of said section."

The question being on the adoption of the amendment,

Messrs. Huffstetter and Jeter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Brazelton, Burnett, Clark of Steuben, Hadsell, Jeter, Melleit, Merrifield, Monks, Sanford, Shanks, Smith of Lagrange, Spotswood, Stanton, Test, Turner, Wilson, and Mr. Speaker—19.

Those who voted in the negative were,

Messrs Alden, Branham, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Coen, Cotton, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hargrove, Haryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Meredith, Miller, Montgomery, Newcomb, Peckenpaugh, Peyton, Schoonover, Sidwell, Sims, Shryock, Shull, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Todd, Usry, Walpole, Williamson, Wilson, and Wheeler—63.

So the amendment was not adopted.

Mr. Test offered the following amendment:

"That the county commissioners shall authorize to be assessed and collected, as the State and county revenues are assessed and collected on the list of property taxable for State and county purposes, a sum not exceeding twenty cents on each one hundred dollars of property, and fifty cents on each poll for common school purposes, to be expended in the several townships of said county according to the number of scholars therein."

Strike out of the first section the four first lines to the word "*Provided*", and insert the foregoing.

On motion by Mr. Frazer,

The amendment was laid on the table.

Mr. Smith of Lagrange, offered the following amendment:

Amend by striking out section nine and insert the following, to-wit:

SEC. — The trustees shall establish and organize in each township a sufficient number of school districts for the accommodation of the children therein, having a proper regard to the school houses already constructed; *provided*, however, that no district shall be organized containing less than twenty children of a suitable age to attend school,

SEC. — The legal voters of every district shall have the sole power to erect by tax or otherwise, their own school houses, and of furnishing furniture and fuel therefor; but no such tax shall exceed the sum of fifty cents on each one hundred dollars of property in any one year.

On motion by Mr. Frazer,

The amendment was laid on the table.

Mr. Brazelton offered the following amendment:

Amend section 2d by adding: "*Provided, however*, that all fines and forfeitures collected from negroes and mulattoes, shall be expended for the education of colored children."

Which was adopted.

Mr. Hester offered the following amendment:

"Amend section 6, by adding at the end thereof the following: Which bond shall be filed in the office of the clerk of the circuit court, and by him shall be recorded in the record of official bonds."

Which was adopted.

Mr. Walpole offered the following amendment:

Amend the 20th section by inserting after the word "dollars," in the second line, these words: "unless such person shall have previously served as such trustee."

Which was adopted.

Mr. Newcomb offered the following amendment:

Add to the section authorizing the levying of a tax to build school houses, &c., "and they shall levy taxes to pay any amount due for the erection of school houses, which were in whole or in part erected under the provisions of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1855.

Which amendment was adopted.

Mr. Jeter offered the following amendment:

Strike out all after the enacting clause and insert the following:

That the county commissioners of each county shall appoint some suitable place in each congressional township in their county, where elections shall be held by the qualified voters of said townships annually, on the first Saturday of September, to elect three citizens and voters thereof, to serve one year, as township trustees of their congressional township, and it shall be the duty of the sheriff of the county to cause printed or written notices to be posted up in at least three of the most public places in each township, of the time and place of holding such election, at least twenty days prior to the day of election.

SEC. 2. When five or more of the qualified voters of any congressional township shall have assembled at the time and place designated for the election of township trustees, they shall select one of their number to act as inspector of such election, open a poll, receive votes, count the votes, and make return of the result of the election to the county auditor, as is required by the general laws of the inspectors of township elections, and give to the three persons that shall have received the greatest number of votes, certificates of their election, which three persons shall be trustees of their congressional township for one year, and until their successors shall have been elected or appointed.

SEC. 3. When the trustees for any congressional township shall have received notice of their election or appointment, they shall

meet within thirty days thereafter, and choose one of their number as their clerk, who shall keep a record of their proceedings, and notify the district or union district trustees of any action they may have had, affecting their particular districts; and if their township shall not have been divided into school districts, it shall be their duty to do the same, and file with the county auditor a plat plainly setting forth the sections or other subdivisions of land in each particular district. But if found necessary, they may postpone the districting of the township from time to time; *Provided*, The same shall be completed within six months from the day of their election or appointment, and said trustees may, after their first meeting, hold their meetings at any other place or places within their township, than that designated for their first meeting, and it shall be the duty of the clerk of said trustees to fill all vacancies of district and union district trustees, upon notice of any such occurring within his township, by reason of refusal to act, death, absence, or otherwise; and all such persons so appointed, shall be liable to the same duties, and subject to the same penalties for refusing to serve, as though they had been selected by the voters of their respective district, or union district; and when the township trustees shall have formed any union district, as contemplated in section 7, of this act, the clerk of said trustees shall file with the county auditor a correct plat of the same, exhibiting the sections, or other subdivisions of land contained in it; and appointments of trustees made by said clerk shall expire within ten days after the day for the next annual election for such trustees.

SEC. 4. The qualified voters in each district shall, annually, on the first Saturday of October, select one of their number as district trustee, whose duty it shall be to preside at district meetings, to keep a fair record of the proceedings of such meetings, to annually, within the month of October, take a list of all the scholars within his district, dividing them into two classes—first, those between the years of seven and sixteen; second, those between the ages of 12 and 21 years, to employ teachers, and annually, on or before the last Saturday of October, report to the county auditor, the number of scholars in his district at the time it was listed, the number that have attended his district school, the time said school was taught, the name of the teacher or teachers, the compensation paid for teaching, and to issue his orders to the county auditor, to issue warrants upon the county treasurer, to pay out any money in his hands belonging to the district, to defray the expenses of his school as contemplated by this act, and to deliver over to his successor all books, papers, or other school property in his hands, belonging to his district; and should his district have no district school house, suitable for the use of a district school, he shall, within twenty days after his selection or appointment, put up printed or written notices of the time and place, at least ten days prior to the time, when the qualified voters of his district will hold a meeting to determine where they will erect a suitable district school house, and

should a majority of the voters of a district fail to agree upon, or refuse to select a site therefor, he shall notify the township trustees of such fact, who shall, as soon as practicable thereafter, appoint three disinterested men to select such location, and when any such location is made either by the voters of the district or men appointed by the trustees, and the district has obtained, in the name of the State, a deed for the same, he shall proceed to the erection of the proper school house as speedily as the means for payment therefor shall justify, and it shall remain the place for district schools for twenty years for the district, and shall notify the auditor of the county of his intention to proceed to the erection of a district school house, and request him to place on the duplicate for collection twenty cents on each one hundred dollars of valuation of taxable property within the district, each and every year thereafter until notified by the trustee of said district that the district school, and site of the same are paid for, when the property in said district shall no longer be taxed for said purposes.

SEC. 5. In each school district shall be taught orthography, reading, writing, arithmetic, book-keeping by single entry, the geography and history of the United States, and the natural history of its domestic animals, free of tuition fees, to all scholars in the district, at least ten months in every year, within the ages of seven and twenty-one years, if there be funds in the treasury belonging to such district, to defray the expenses thereof.

SEC. 6. The judge of the court of common pleas in each county shall appoint three school examiners, who shall examine all applicants for examination, touching their qualifications to teach in district or union district schools, and they shall only give certificates of qualification to such persons as shall prove to possess a competent knowledge to teach the branches to be taught; and no district or union district trustee or trustees shall be authorized to employ any person as a teacher until they shall have procured such certificate, signed by at least two of said examiners; and they shall, annually, on or before the first day of October, file with the county auditor, a list of persons who shall have applied for certificates of qualification to teach, and which of such applicants received certificates; and the clerks of the courts of common pleas in vacation, are authorized to make appointments to fill such vacancies in said examiners as may occur from any cause whatever, or to appoint examiners that shall examine applicants during the temporary absence from the county of the regular examiners, whose certificates shall be as valid as though given by those appointed by the court; but no certificate shall be valid more than one year after its issue.

SEC. 7. Upon the petition of a majority of the qualified voters of any four contiguous school districts within their township, the township trustees shall declare such district an union district; and the voters of said union district shall, upon notices being posted up by the clerk of the township trustees, in each of said districts, of

the time and place, proceed to the election of a trustee for such union district, and such election shall be conducted by an inspector chosen by those assembled of the voters present, and such inspector shall give to the person elected a certificate of his election, and the trustee so elected at such election, shall, with the four district trustees, or a majority of them within that union district, have power to employ a teacher, and the person elected as the trustee of the union district shall make out the same report to the county auditor of his school, as to time taught, the number of scholars that have attended it, and the names and compensation of teachers, as is required of district trustees; and shall be governed in the location for, erection, repairing, and in the purchase of the necessary fixtures for his union district school house, by the provisions made in this act for like purposes, for the government of district trustees.

SEC. 8. In each union district school shall be taught Arithmetic, English Grammar, Surveying, Geography, History, and Algebra, and such schools shall be free of tuition fees ten months in each and every year if there be funds in the treasury, belonging to such district, to defray the expenses thereof, to all scholars within the district over twelve and under twenty-one years of age, that shall have made themselves acquainted with the branches directed to be taught in district schools, and it shall be the duty of union district trustees to hold meetings at their school house on the Thursday before, and such other times as they may designate, the commencement of each term of their schools to examine all pupils within the district that shall desire to attend said schools, and they shall make out a list of the scholars that in their opinion shall be entitled to instruction in their school free of tuition charges, and said trustees may admit upon payment of tuition fees others than by this act are entitled to exemption from tuition fees, but none so admitted shall be under twelve years of age.

SEC. 9. It shall be the duty of the teachers to keep a fair account of all the scholars that shall attend their schools, and at the end of every three months furnish to the district or union district trustee, as the case may be, a copy of the same, to be by him preserved for the use of the district, and it shall be the duty of trustees to retain from such teacher ten per cent. of their compensation, until they shall have filed their report as contemplated in this section, and no female under the age of eighteen years nor male under twenty-one years of age shall be employed as a teacher in any district school in this State, and the principal teachers in all union district schools shall be males.

SEC. 10. The county auditor shall annually place on the duplicate of his county ten cents on each one hundred dollars valuation of taxable property against the owner thereof, and twenty-five cents of a tax to be collected off of all males over the age of twenty-one and under fifty years, which when collected shall with all distributable common school funds in the treasury of his county be by him apportioned among the school districts in the county in

proportion to the number of scholars in each, annually on the first Monday of March, together with the proceeds of the sixteenth sections, or other lands reserved in lieu thereof, among the several districts in the townships for whose inhabitants said sixteenth sections or other lands in lieu thereof were originally reserved, for school purposes, which funds shall be used to defray the expenses of such free schools as are contemplated by section five of this act. He shall annually on or before the second Monday of January make out and mail to the Superintendent of Public Instruction a report which shall contain the number of scholars in his county at the time it was listed, the number of district and union district schools, the number of scholars taught in them, the length of time said schools were free of tuition charges to those entitled to attend them, the amount of public funds expended in the payment of teachers, and what number of said teachers were males and what number females, and what number of district and union district school houses were completed in his county during the last year. He shall procure for all townships, district and union district trustees, that have not heretofore been supplied, the necessary books for them to keep a record of their proceedings in, which shall be paid for on his warrant upon the county treasurer. He shall upon the order of any district or union district trustee issue his warrant upon the county treasurer for any moneys belonging to the district for which the trustee is acting, when the trustee shall have filed with him a statement showing to whom the money is to be paid and what for. When notified by the clerk of the township trustees of the creation of any union district he shall annually assess on his duplicate three cents of a tax on each one hundred dollars valuation of taxable property within such union district, against the owner thereof, which when collected shall be expended in the employment of teaching for said union district which shall be free to all under the limitation and restrictions of this act. He shall by appointment fill all vacancies that may occur in township trustees, by death, failure to elect, or any other cause whatever, and those appointed by him shall continue until the next annual election, but in no case shall his appointments continue for more than one year.

SEC. 11. All contracts made with teachers, by any trustee or trustees, shall be submitted to the voters of the district or union district for which they are to teach, or to the township trustees for their approval before they shall be binding upon the district, and it shall be the duty of the trustees to cause notice of the time and place when the district or union district meeting will be held, to consider upon the proposed contract between the teacher and trustee.

SEC. 12. When there is no suitable district or union district school house within the district or union district, the trustee for such district or union district may, at the expense of the district or union district, rent some suitable building as near the center of his proper district as can be obtained, at a reasonable rate, until such

district shall have erected a purchased one, and order the same paid out of any moneys due the district.

SEC. 13. When any district or union district school house shall need repairing or be destitute of the proper fixtures, it shall be the duty of the trustee of such district or union district, to have the Auditor to assess a sum sufficient against the taxable property within the proper district, for the payment of such repairs and the purchase of the necessary fixtures and fuel.

SEC. 14. When five or more of the qualified voters of any district or union district shall desire a meeting of the qualified voters of their proper district, they shall give notice of the time and place by putting up written notices ten days prior to the time, and a majority of the voters of such district shall have power to direct the action of the trustee of their district in matters connected with the repairing of their school house, and in the purchasing of the necessary fixtures therefor.

SEC. 15. It shall be the duty of the trustee of every district or union district, when about to erect a school house for his district or union district, to give notice of the time and place by putting up written notices twenty days prior to the time, in three of the most public places within his district or union district for the qualified voters to meet, at which meeting he will submit the plan and probable cost of the school house he proposes to erect, when a majority of the voters of the proper district may direct such modifications of his plan as they may desire; but all houses shall be of sufficient size for the full accommodation of at least forty scholars for district schools, and of sixty scholars for union district schools.

SEC. 16. It shall be the duty of the county treasurers of the several counties of this State, to collect all taxes placed upon the duplicate by the provisions of this act, in the manner directed or shall hereafter be directed by law, for the collection of State and county revenue, and to pay the same on the warrant of the county auditor.

SEC. 17. Any person elected, selected or appointed to any trusteeship, congressional, union district or district, refusing to qualify and serve as such, or to do any other service required by this act, shall forfeit the sum of ten dollars, together with what damages may have accrued on account of neglect of duty, to be collected by the county auditor, in the name of the State, in an action of debt for the use of the township union district or district for which he was elected, selected or appointed, without the benefit of valuation or appraisement laws; and no informality in the election, selection or appointment of any such trustee or trustees, shall excuse service; *Provided, however,* That no person shall be required to serve as any such trustee more than one year in any consecutive seven years.

SEC. 18. All acts or parts of acts heretofore passed that conflict with the provisions of this act, are hereby repealed.

Mr. Frazer moved to lay the amendment on the table.
The question being put,
Messrs. Jeter and Frazer demanded the ayes and noes,

Those who voted in the affirmative were,

Messrs. Bartholomew, Brazelton, Burnett, Cain, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hervev, Hester, Humphreys, Hunt, King of Johnson, King of Madison, McConnell, McCord, McClure, Martin, Meredith, Merrifield, Monks, Montgomery, Newcomb, Peckenpugh, Peyton, Sanford, Sims, Shanks, Shryock, Shull, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Thomas, Todd, Turner, Usry, Wilson, and Wheeler—51.

Those who voted in the negative were,

Messrs. Alden, Beach, Bonner, Branham, Buskirk, Carnahan, Clark of Rush, Clark of Union, Hall of Laporte, Hargrove, Hillyer, Hume, Jeter, Landers, Lemmon, Lewis, Logan, McFarland, Malick, Mellett, Miller, Schoonover, Sidwell, Smith of Lagrange, Smith of Perry, Tanner, Test, Trusler, Usry, Williamson, and Mr. Speaker—31.

So the amendment was laid on the table.

Mr. Hume offered the following amendment :

“Strike out that part of one hundred eighteenth section which reads “and submit for their approval a list of text books for schools and a catalogue of suitable works for school libraries.”

The question being on the adoption of the amendment,

Messrs. Hume and Brazelton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Brazelton, Cain, Carnahan, Clark of Jasper, Clark of Union, Coen, Cotton, Davis, Dunn, Hall of Laporte, Hargrove, Huffstetter, Hume, Humphreys, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Malick, Miller, Montgomery, Peyton, Schoonover, Shanks, Smith of Lagrange, Tanner, Test, Trusler, Usry, and Williamson—36.

Those who voted in the negative were,

Messrs. Bartholomew, Bonner, Buchanan, Buskirk, Clark of Rush, Clark of Steuben, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hervev, Hester, Hillyer, Hudson, Hunt, King of Johnson, King of Madison, McConnell, McCord, Martin, Mellett, Meredith, Mer-

rifield, Monks, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Perry, Spotswood, Studabaker, Sturgis, Thomas, Todd, Turner, Wilson, and Wheeler—48.

So the amendment was not adopted.

Mr. Hargrove offered the following amendment :

Amend on 27th page, by striking out the word "six" and inserting "seven,"

Which was not adopted.

Mr. Hester offered the following amendment :

Amend section 58, by adding at the end thereof the following :
"And any judgment upon any such note or mortgage shall bear seven per cent. interest from the date thereof till the same is paid."

Which was adopted.

Mr. Hester offered the following amendment :

Amend section 7 by adding thereto the following : "And upon the failure of any such treasurer to discharge any of the duties enjoined on him by law, the trustees shall cause suit to be instituted against him on his official bond, and in case of recovery against him, the court rendering judgment shall assess upon the amount thereof ten per cent. damages to be included in said judgment,"

Which was adopted.

Mr. Bonner moved to re-commit the bill to the committee on education with instructions "to strike out so much of the bill as makes the trustees of the civil townships trustees for school purposes, and transfer their duties to directors of school districts to be appointed by the electors of such districts."

Mr. Tanner moved to lay the motion and instructions on the table.

Which motion prevailed.

Mr. Trusler offered the following amendment :

"Strike out the first three sections on page 21 that relate to the levying of a tax for the support of township libraries."

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Trusler and Frazer.

Those who voted in the affirmative were,

Messrs. Branham, Buskirk, Carnahan, Clark of Union, Davis Essex, Hall of Laporte, Hargrove, Huffstetter, Hume, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Mellett, Miller, Montgomery, Newcomb, Peyton, Schoonover, Sims, Smith of Perry, Tanner, Trusler, Walpole, and Wilson—30.

Those who voted in the negative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben,

Clark of Tippecanoe, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hester, Hillyer, Hudson, Humphreys, King of Madison, McCord, Martin, Meredith, Merrifield, Monks, Peckenpaugh, Sanford, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Test, Thomas, Todd, Turner, Usry, and Wheler—54.

So the amendment was not adopted.

Mr. Frazer offered the following amendment:

Amend section 139 as follows: Strike out the word "two," in the fifth line, and insert "one."

Which was adopted.

Mr. Frazer offered the following amendment:

Amend section 166, (the last section) by striking out of the 2nd line the words "circuit superintendents," and insert "Governor, Treasurer, Auditor, Secretary of State and Attorney General."

Which was adopted.

Mr. Frazer offered the following amendment:

Add the following section:

SEC. —. Inasmuch as certain provisions of the existing law have been held void by a decision of the Supreme Court, in consequence of which there is now no valid law authorizing the distribution of the funds devoted to the support of common schools; and inasmuch as great inconvenience will result throughout the State on account thereof before this act can be published and circulated in the several counties by the usual method, it is declared that an emergency exists requiring this act should take effect immediately; therefore it shall take effect from and after its passage, and the Secretary of State shall immediately forward a certified copy of it to the Superintendent of Public Instruction and to each county auditor, and shall also, without delay, cause the same to be published in the State Journal, State Sentinel, and Indiana Republican.

Which was adopted.

Mr. Studabaker offered the following amendment:

Strike out section 116 and insert the following:

SEC. —. The township trustees shall, in every case in which a majority of the inhabitants attached to any school have designated the teacher they wish employed, employ the same, if he or she can be had on reasonable terms; and in no case shall such trustees employ any teacher, when a majority of the inhabitants attached to any school, have decided they do not wish employed; and when at any time after the commencement of any school, if the majority of the inhabitants petition the trustees that they wish said teacher dismissed, they shall dismiss him, but such teacher shall be entitled to pay for all service rendered.

Which was adopted.

Mr. Spotswood moved that the vote adopting the following amendment, be reconsidered:

Amend section 2nd by adding: *Provided*, however, that all fines and forfeitures collected from negroes and mulattoes, shall be expended for the education of colored children.

Which prevailed.

The question then being on the adoption of the amendment, Mr. Humphreys moved to lay the amendment on the table.

Which motion prevailed.

Mr. Hervey moved the previous question,

Which was seconded by the House.

The question then being, shall the main question be now put?

It was so ordered by consent.

The question being, shall the bill be ordered to be engrossed.

Messrs. Hillyer and Test demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Cotton, Dickerson, Earl, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Harryman, Hester, Hudson, Humphreys, King of Johnson, King of Madison, McConnell, McCord, Martin, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peyton, Sanford, Sims, Shauks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tanner, Thomas, Todd, Turner, Usry, Walpole, Wilson, and Wheeler—49.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Brazelton, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Davis, Dunn, Essex, Fouts, Hall of Laporte, Hargrove, Hervey, Hillyer, Huffstetter, Hume, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Malick, Mellett, Miller, Montgomery, Schoonover, Sidwell, Test, Trusler, and Williamson—36.

So the bill was ordered to be engrossed.

On motion by Mr. Humphreys.

The House adjourned till 9 o'clock on to-morrow morning.

SATURDAY MORNING, 9 o'CLOCK,
February 24th, 1855.

The House met pursuant to adjournment.

On motion by Mr. Buskirk,

The reading of the journal of yesterday was dispensed with, and so it was adopted.

Mr. Williamson obtained leave and reported from a select committee as follows :

MR. SPEAKER:

The select committee, to whom was referred House bill No. 129. A bill to provide for the discovery of the cause and remedy for the disease commonly known as milk sickness, have had the same under consideration, and direct me to report the same back to the House and to recommend its passage.

The report was concurred in, and,

The bill read a first time.

Mr. Meredith moved to lay the bill on the table.

Which motion prevailed.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following preamble and resolution thereof:

WHEREAS, There is no law on the statute book providing for the election of United States Senator, and in the absence of any statutory provision, it is competent for the Legislature to prescribe by resolution, the manner of appointment, and the person to be appointed; therefore,

Resolved, The House of Representatives concurring therein, that Isaac Blackford be and he is hereby appointed and chosen Senator in Congress from the State of Indiana, for the term of six years from and after the 4th day of March next; and that the Governor give to said appointee a certificate under his seal of office of his said election,

In which the concurrence of the House is respectfully requested.

On motion by Mr. Cotton,

Leave of absence was granted to Mr. Sturgis, on account of sickness in his family.

On motion by Mr. Martin,

Leave of absence was granted to Mr. Williamson, during the remainder of the session.

REPORTS OF STANDING COMMITTEES.

Mr. Meredith, from the committee on ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means have instructed me to report the following bill and recommend its passage.

No. 218. An act making general appropriations for the years 1855 and 1856.

Which was read a first time.

Mr. Meredith moved to suspend the rules, and read the bill a second time.

The question then being on suspending the rule,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Earl, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hiller, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lewis, Logan, McClure, McFarland, Malick, Martin, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Turner, Usry, Walpole, Weir, Wilson, Wheeler, and Wood—70.

Those who voted in the negative were,

Messrs. Carnahan, Earl, Hadsell, and Lemmon—4.

So the rules were suspended,

The bill read a second time, and,

On motion by Mr. Smith of Perry,

It was made the special order of the day for Monday next, at 9 o'clock A. M., in committee of the whole.

Mr. Todd obtained leave and presented a petition from sundry citizens of Hendricks county on the subject of township libraries: Which,

On motion by Mr. Todd,
Was laid on the table.

Mr. Todd obtained leave and presented a petition from sundry citizens of the county of Hendricks on the subject of a bank with branches;

Which,

On motion by Mr. Todd,
Was referred to the committee on banks.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 112, providing for an appropriation of \$5,000 per annum for the purpose of colonization, and to give additional power to the State Board of Colonization, have had the same under consideration, and report the same back to the House and recommend its passage, and ask to be discharged from the further consideration of the same;

The report was concurred in, and the bill read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Carnahan, Essex, Fouts, Frazer, Gordon, Hall of Laporte, Hester, Hillyer, Huffstetter, Hunt, Landers, Lewis, Lowe, McConnell, Martin, Meredith, Sanford, Schoonover, Shanks, Shull, Smith of Perry, Studabaker, Tanner and Trusler—24.

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Gifford, Gordon, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hervey, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Logan, McCord, McClure, McFarland, Malick, Mellett, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peyton, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Test, Thomas, Todd, Turner, Usry, Walpole, Wilson and Wheeler—58.

So the bill did not pass.

Mr. Humphreys obtained leave and made the following report from the committee on elections:

MR. SPEAKER :

The committee on elections, to whom was referred Senate bill No. 84, an act amending section 11, of chapter 31, of the revised statutes of 1852, relative to the making out and furnishing to the several inspectors of elections poll-books, tally-papers, &c., and providing compensation for said services, have had the same under consideration, and have directed me to report the same back and recommend its passage ;

Which report was concurred in, and the bill read a third time.
The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hester, Hudson, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Meredith, Merrifield, Miller, Monks, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Test, Thomas, Todd, Trusler, Usry, Walpole, Wilson, Wheeler and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Hillyer, Jeter, and Landers—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House,

No. 94. A bill to amend the 41st section of an act, entitled an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29th, 1852.

Mr. Trusler, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No 43, entitled "a bill to confirm the title of certain swamp lands," have had the same under consideration, and a majority of said committee have directed me to report the same back to this House and recommend its indefinite postponement.

The question being on concurring in the report,

Mr. Brazelton called for the previous question.

The question being, shall the main question now be put?

It was so ordered by consent.

The question then being,

Shall the bill be indefinitely postponed?

Messrs. Brazelton and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Brazelton, Burnett, Cain, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lowe, McFarland, Malick, Martin, Mellett, Monks, Peckenpaugh, Peyton, Schoonover, Sims, Shanks, Shryock, Shull, Spotswood, Studabaker, Thomas, Todd, Usry, Walpole and Wilson—53.

Those who voted in the negative were,

Messrs. Bartholomew, Bonner, Branham, Buchanan, Buskirk, Carnahan, Clark of Rush, Fouts, Gifford, Hillyer, Lewis, Logan, McConnell, McClure, Meredith, Merrifield, Newcomb, Sanford, Smith of Lagrange, Smith of Perry, Test, Turner and Wheeler—23.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Humphreys moved to re-consider the vote ordering said bill to be indefinitely postponed.

Mr. Test moved to lay the motion on the table.

Which motion did not prevail.

The question then recurring on the motion to re-consider the postponement,

It did not prevail.

Mr. Sanford, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred House bill No. 162, "a bill authorizing the payment of taxes in the State of Indiana in the circulating notes of the free banks of this State, and to enable the Treasurer of this State to convert the same into money and to invest a portion of the revenue in Indiana State bonds," have had the same under consideration, and direct me to report the accompanying amendments, and after their adoption to recommend its passage:

First amendment:

Strike out section 2 and insert the following:

SEC. 2. The treasurers of the several counties are authorized and directed to receive hereafter in payment of taxes due the State the circulating notes of the suspended free banks of this State at such rates of discount as may be prescribed by the Treasurer of State, and the Treasurer of State shall, immediately after the passage of this act, issue his circular to the county treasurers, instructing them at what rate such paper will be received, which rate shall be the market value of the bonds or stocks on which such circulating notes are based, and whenever the market value of such securities shall increase or diminish as much as three cents to the dollar the Treasurer of State shall notify the several county treasurers in the manner aforesaid and fix the rate of discount on such circulating notes accordingly.

Second amendment:

Strike out section 3 and insert the following:

SEC. 3. The treasurer of any county through which any railroad express line passes, shall transmit such depreciated paper to the State Treasurer by such express or other safe conveyance as often as he shall have five hundred dollars thereof in his hands, and the Treasurer of State shall transmit a receipt therefor to the county and shall pay express charges; and all county treasurers not located on any such express line shall take or safely transmit such paper to the Treasurer of State whenever and as often as he shall have one thousand dollars thereof.

Insert the following section as

SEC. 4. The Treasurer of State shall receive from the county treasurers the free bank paper so collected at the rate specified in the circular of the Treasurer of State, upon the affidavit of the county treasurer that he received the same in payment of State taxes, and the rate at which such bills were received, and that he has not purchased them for the purpose of paying the same into the State treasury.

Fourth amendment:

Fill the blank in section sixth with "fifty thousand dollars."

Fifth amendment:

In line seven, section sixth, insert after the words "Indiana State bonds," these words: "upon which the State is paying interest other than State bank bonds."

Mr. Schoonover moved to concur in the report of the committee with the following amendment:

Amend section second by striking out the words "more than." Which prevailed.

The report was concurred in and the amendments adopted.

The bill was considered as engrossed, and read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Brazelton, Buskirk, Cain, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Davis, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Hadsell, Hall of Warren, Hester, Hudson, Humphreys, McClure, Malick, Meredith, Merrifield, Newcomb, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Tanner, Thomas, Todd, Turner, and Usry—40.

Those who voted in the negative were,

Messrs. Alden, Branham, Burnett, Carnahan, Clark of Rush, Crozier, Dickerson, Earl, Gordon, Hall of Laporte, Hargrove, Har-ryman, Hüffstetter, Hume, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, Martin, Mellett, Monks, Peck-enpough, Shanks, and Wilson—27.

So the bill did not pass for want of a constitutional majority.

Mr. Clark of Rush, from the committee on the judiciary, made a report, and on his motion was laid on the table.

On motion by Mr. Hall of Warren,
The House adjourned till 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met, pursuant to adjournment.

On motion by Mr. Brazelton,
Mr. Clark of Rush was appointed Speaker *pro tem*.

On motion by Mr. Clark of Steuben,

A call of the House was ordered.

The Clerk proceeded to the call, and the following members answered to their names :

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gilham, Gordon, Hadsell, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hudson, Humphreys, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Malick, Martin, Mellett, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Thomas, Turner, Usry, Walpole, and Wilson—68.

On motion by Mr. Humphreys,

A further call was dispensed with.

On motion by Mr. Shryock,

The order of business was suspended, and

House bill No. 211. An act declaring certain statutes therein mentioned a misprint, attaching certain territory therein named to the county of Fulton, and legalizing the acts of officers in said territory,

Was taken up and read a second time.

Mr. Shryock moved to refer the bill to a select committee,

Which motion prevailed.

Said committee was composed of Messrs. Shryock, Ellis, Frazer and Dickerson.

On motion by Mr. Ellis,

The order of business was suspended, and

House bill No. 206. An act to amend an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, and declaring certain taxes legal;"

Was taken up and read a second time, and

On motion by Mr. Ellis,

Referred to a select committee consisting of Messrs. Shryock, Frazer, Ellis and Dickerson.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 216 and 217, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed bill of the House No. 172, and compared the same with the original copy thereof, and find the same correctly engrossed.

Mr. Mellett, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 174, "a bill authorizing the State of Indiana to relinquish her interest in the real estate therein set forth," have had the same under consideration, and direct me to report the same back to the House and recommend its passage;

Which report was concurred in, and the bill ordered to be engrossed.

House Bills on Second Reading.

No. 181. A bill to amend section 315, of chapter 1, of part 2d of the 2d volume of the revised statutes of 1852;

Was read a second time, and ordered to be engrossed.

Mr. Newcomb moved that the order of business be suspended that he might make a report;

Which motion did not prevail.

No. 182. A bill to prevent the circulation of bank notes of other States, in the State of Indiana, below the denomination of five dollars;

Was read a second time.

Mr. Hervey moved to refer the bill to the committee on banks.

Mr. Newcomb moved to amend the motion by changing the reference to the committee on swamp lands;

Which motion did not prevail.

Mr. Bonner moved that the bill be indefinitely postponed;

Which motion prevailed.

So the bill was indefinitely postponed.

No. 183. A bill to amend the 64th, 65th, 66th, 67th, 70th, 71st, 72d, and 73d sections of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State, approved June 21st, 1852, so as to abolish the office of township assessor, and to provide for the election of county assessors ;

Was read a second time.

Mr. Studabaker moved to recommit the bill to the committee on ways and means, with the following instructions :

Strike out all that relates to the creation of county assessors, and provide for township assessors ;

Which motion did not prevail.

The bill was ordered to be engrossed.

No. 184. A bill to authorize county treasurers to refund to tax payers special school taxes in certain cases ;

Was read a second time, and

On motion by Mr. Dickerson,

It was referred to a select committee with instructions so as to limit the distribution to the taxes levied and collected in the year 1854.

Said committee was composed of Messrs. Dickerson, Gordon and Walpole.

No. 185. A bill to amend an act entitled an act providing for the settlement of decedents' estates, prescribing the rights and liabilities of officers connected therewith, the management thereof, and the heirs thereto, and certain forms to be used in such settlement ;

Was read a second time.

Mr. Lowe moved to lay the bill upon the table ;

Which motion prevailed.

No. 186. A bill to amend the 17th section of the 5th chapter of part 3d of the revised statutes of 1852 ;

Was read a second time, and

On motion by Mr. Hester,

The bill was referred to the committee on the judiciary.

No. 187. A bill to authorize the assessment and collection of a tax upon dogs, the tax to constitute a fund for the compensation of owners of sheep destroyed by dogs, and for the encouragement of agricultural societies ;

Was read a second time.

Mr. Murray moved to indefinitely postpone the bill ;

Which motion did not prevail.

Mr. Hudson moved to refer the bill to the committee on the rights and privileges of the inhabitants of the State;

Which motion did not prevail.

The bill was ordered to be engrossed.

Mr. Clark of Rush, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 186, entitled a bill to amend the seventeenth section of the fifth chapter of part third, of the revised statutes of Indiana, published in the year A. D. 1852, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, and recommend its passage.

Which was read a second time.

Mr. Hester moved to amend by striking out of the first line the words "break out."

Mr. Walpole moved to postpone the bill indefinitely.

Which motion prevailed.

Mr. Hervey moved to suspend the order of business, and take up House bill No. 148, and the report of the select committee thereon.

No. 148. A bill to encourage and facilitate the payment of Indiana five per cent. bonds.

Which motion prevailed.

The bill and report were taken up.

The report is as follows:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 148, have had the same under consideration, and directed me to report the same back with the following amendments, after the adoption of which, they recommend its passage.

Add the following after section 12:

SEC. 13. The obligation of the State for the redemption of the five per cent. State stock bonds, shall be the same in every particular for the redemption of the notes issued thereon, and they shall become due at the same time. The county treasurer shall not forward money paid over in accordance with the provisions of this act, in a less sum than fifty dollars; but he shall forward all so paid over at one time, but if there shall not be that amount paid over, any person who may have paid any money over, shall be entitled to receive the same back again.

The Treasurer of State, shall not pay over the money so forwarded until he shall have received the sum of five hundred dollars, and if he shall not receive that amount, he shall return what he has received to the counties from where it was forwarded, to be handed back by the county treasurer to the persons who deposited it.

SEC. 14. Any person may pay said estimate directly in money, and the county treasurer shall receipt such person therefor, which receipt shall be in full for all taxes accruing from the bonds above mentioned, both the principal and interest; in which case the treasurer shall be entitled to twenty cents for such services. Any person who may not desire to pay said estimate or invest, his money therein may grant to another his privileges so to do.

SEC. 15. The county treasurer shall receive for his services in receiving, receipting for, and forwarding money for the purposes above specified and paying out the notes, when forwarded one-half of one per cent. on the money deposited. The Treasurer of State shall receive one-half of one per cent; the Agent of State shall receive one-half of one per cent.; the Auditor of State one-half of one per cent; the Governor and Secretary of State shall each be entitled to one-fourth of one per cent; and one per cent. shall be appropriated to pay the expense of striking said notes, and if that sum shall be more than is needed for that purpose, the surplus shall be paid back to the Treasurer of the State and be added to the general fund in his hand for the purposes herein specified.

The county auditor shall be entitled to ten cents for each name he enters as a note holder, and one cent for every note entered to one name above the number of ten; for a certificate of withdrawal to be transferred to another county, ten cents; and for notifying the Treasurer of State that notes have been transferred to his book from another county, twenty-five cents. All the above fees per cent. are to be deducted from the money herein specified, and the county auditor's fees are to be paid by the persons to whom the services are rendered.

The question being on concurring in the report of the committee,

The House did not concur.

The question then being on the adoption of the amendment, it was not adopted.

No. 189. A bill for the relief of county recorders
Was read a second time.

Mr. Walpole offered the following amendment:

"On Sinking Fund Mortgages, or Mortgages to Trust Funds, the recorder shall be allowed one dollar and fifty cents for recording such mortgages."

Mr. Hudson moved to amend the amendment by inserting *one dollar* instead of "*one dollar and fifty cents*,"

Which was adopted.

The amendment as amended was then adopted.
Ordered, that the bill be engrossed.

No. 190. A bill to protect the rights and privileges of the people of Indiana, and to secure them from unlawful and improper arrests,

Was read a second time.

On motion by Mr. Shanks,

The bill was referred to the committee on the judiciary.

Mr. Hargrove moved to take from the table and place on the files, House

Bill No. 171. A bill to prescribe the manner of transacting township business, and to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852,

Which motion prevailed.

Mr. Hargrove offered the following amendment:

"Amend the 14th section by striking out all the fore part of said section to the word 'shall' in third line of said section, and insert the following:

The trustees shall annually, at their meeting in April in each year, settle and audit the accounts of the treasurers, and the supervisors of roads in their respective townships, and."

Amend also in said line, by striking out the word "his," and insert "their."

Which amendment was adopted.

Mr. Smith of Perry, moved to reconsider the vote adopting section twelve as a substitute for the section as originally made.

Which motion prevailed.

The question being on the adoption of the amendment,

Mr. Lowe moved to lay the amendment on the table,

Which motion prevailed.

The bill was then ordered to be engrossed.

Mr. Newcomb, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred House bill No. 161, entitled "A bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages, have had the same under consideration, and have directed me to report the same back with a recommendation that the 5th section of said bill be stricken out, and have also instructed me to report the accompanying amendment as a separate section, and when so amended, to recommend its passage.

Any officer having having charge of any of said funds. with authority to loan the same to any one person at any one time. a greater amount of such fund than is authorized by law to be so

loaned, shall on indictment and conviction, be fined in any sum not exceeding twice the amount of such loan, over the sum authorized by law to be loaned, to which may be added any term of time not exceeding six months.

The report was concurred in, and the amendment adopted.

The bill was ordered to be engrossed.

Mr. Wilson, from the committee on trust funds, made the following report:

MR. SPEAKER:

The committee on trust funds to whom was recommitted Senate bill No. 8, entitled "A bill for the relief of borrowers of the common school fund and of the purchasers of school lands belonging to the State of Indiana, with certain amendments, have had the same under consideration, and have directed me to report the same back to the House, together with the following additional amendments, in which they respectfully ask the concurrence of the House.

Amend section one, by adding after the words "school funds," in third line, "sinking fund, saline fund, bank tax fund, surplus revenue and congressional township funds."

Amend by adding the following section:

SEC. —. It shall be the duty of the auditor or any other officer in charge of said funds, carefully to examine the condition of all existing securities for any portion of said funds borrowed; and if upon such examination he shall be of opinion that such securities are not as ample and safe as those now required by law, then in such case such extension shall not be allowed, and it shall be the duty of the auditor or other officer in charge of such funds, to proceed to collect the same in the mode authorized by law, unless the borrower will furnish the securities now required by law.

The report was concurred in.

The amendments were adopted and ordered to be engrossed, And the bill passed to a third reading.

On motion by Mr. Smith of Perry,
House bill No. 215 was taken up.

No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State;

Was read a second time and ordered to be engrossed.

Mr. Hargrove obtained leave, and made a report from the committee on roads.

MR. SPEAKER:

The committee on roads, to whom was referred House bill No.

173. A bill to provide for the erection and repair of bridges, have had that subject under consideration, and directed me to report the same back to the House with the following amendments, and when so amended recommend its passage.

Amend as follows:

1. Amend by adding the following proviso to the third section of the bill:

Provided, however, that if the board of Commissioners of any such county shall not deem any such bridge of sufficient importance to make an appropriation from the county treasury for the erection or repair thereof, the trustees of any township in which such bridge is situate, may appropriate any part of the road tax fund in the township treasury for that purpose, if they shall deem it right and expedient so to do.

2. Amend by adding the two following sections, as sections 13 and 14, to-wit;

SEC. 13. Whenever any bridge company has abandoned or may abandon any bridge, or when the right to take toll has expired, or may expire by limitation of the charter thereof, it shall be lawful for the county commissioners in which such bridge may be situate, to require the same and the grade leading thereto to be repaired if they shall deem that the public good requires it, and for that purpose shall possess all the powers that are given by this act to the county commissioners for building and repairing of bridges. And the said board of commissioners may cause toll to be charged on any such bridge or bridges, as in other cases, or such commissioners may, at their discretion, authorize the bridge company whose charter or right to take toll has expired, to repair such bridge and grade and take such rates of toll as such commissioners may, from time to time, fix for that purpose.

SEC. 14. All persons going to or returning from any election, place of religious worship, or attending a funeral, shall be exempt from paying toll for crossing any of the toll bridges contemplated in this act.

The report was concurred in and the amendments were adopted. The bill was then ordered to be engrossed.

Mr. Coen moved to take from the files House bill

No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.

Which motion prevailed.

The bill was then read a second time.

Mr. Coen offered the following amendment. Add the following section:

SEC. 2. Whereas, it is represented to this General Assembly that the offences prohibited in this act are now being practiced to the detriment of the people of this State, an emergency is declared for the speedy taking effect of this act; therefore, this act shall be

in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel;

Which amendment was adopted.

The bill was ordered to be engrossed.

No. 188. A bill to encourage the improvement of the breed and stock of horses, and for the benefit of agricultural societies;

Was read a second time.

On motion by Mr. Carnahan,

The bill was indefinitely postponed.

On motion by Mr. Smith of Perry,

Leave of absence was granted to Mr. Martin for the remainder of the session.

On motion by Mr. Hudson,

The House adjourned till Monday morning 8½ o'clock.

MONDAY MORNING, 8½ o'clock, }
FEBRUARY 26th, 1855. }

The House met pursuant to adjournment.

Mr. Buskirk was called to the Chair.

On motion by Mr. Merrifield,

The reading of the journal was dispensed with, and so adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Clark of Steuben, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition and claim of Charles Woodward, ask leave to report we have had the same under consideration, and recommend the committee on ways

and means to incorporate into their specific appropriation bill the sum of fifty-eight dollars, as a compensation in full to the said Charles Woodward, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged from further consideration thereof.

Mr. Hargrove, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred Senate bill No. 125, to amend section 21 of an act entitled an act to incorporate the Franklin and White river turnpike company, have had that subject under consideration, and directed me to report the same back to the House with one amendment, and when so amended, recommend its passage :

Amend by adding the words "with intent to defraud said company," after the word "gate," in the 2d line from the bottom of 3d page.

The report was concurred in.

Mr. Hargrove, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred Senate bill No. 68, to amend 3d section of an act, entitled an act to provide for the erection and repair of bridges, approved May 22d, 1852, have had the same under consideration, and directed me to report it back to the House and recommend that it be laid upon the table.

Which report was concurred in, and the bill laid upon the table.

Mr. Hargrove, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred House bill No. 201, to amend an act entitled an act to provide for the erection and repair of bridges, approved May 22d, 1852, have had that subject under consideration, and as the subject matter provided for in said bill is contained in another bill of the House on its passage, they have therefore directed me to report the same back to the House and recommend that it be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Logan, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of David Miller, Warden of the State Prison, who states that he employed Messrs. Otto and Davis as his Attorneys in a number of cases brought against him in the counties of Floyd, Clark, and Lawrence, that were instituted against him, in his official capacity, and that he also employed those gentlemen to attend to a suit of a similar character in the supreme court. The committee, according to order, have had the same under consideration, and recommend that the committee on ways and means incorporate into the specific appropriation bill the sum of one hundred dollars, as compensation in full to the said Otto and Davis for said services, and the committee ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred a petition from the citizens of Shelby county concerning insurance companies, have directed me to report the same back and recommend that it be laid upon the table.

The report was concurred in.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred House bill No. 51, have had the same under consideration, and have directed me to report that in the opinion of your committee it is inexpedient to legislate upon that subject, and they therefore recommend that it be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred a petition from citizens of Wayne county praying a change in the plank-road

law, have directed me to report the same back, with a recommendation that it be laid upon the table, as the committee have heretofore reported a bill upon that subject.

Which report was concurred in, and the petition laid on the table.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 35, an act to amend "an act for the incorporation of cities," approved June 15, 1852, have directed me to report that a bill has passed the Senate, and is now pending in the House, revising the law for the incorporation of cities, that the provisions of this bill should be incorporated in said general law.

Which report was concurred in, and the bill laid upon the table.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred House bill No. 115, a bill to prevent extortion by railroad companies, have had the same under consideration, and have directed me to report that in the opinion of your committee it is inexpedient to legislate upon that subject, and recommend that it lie upon the table.

Which report was concurred in, and the bill laid on the table.

Mr. Wilson, from the committee on trust funds, made the following report:

MR. SPEAKER:

The committee on trust funds to whom was referred House bill No. 175, entitled "an act for the relief of purchasers of school lands in the sixteenth sections," have had the same under consideration and directed me to report that the provisions of said bill are included in Senate bill No. 8, which has been in the hands of said committee and reported back to the House. Your committee, therefore, recommend that said bill be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Hester, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom the subject was referred have directed me to report the accompanying bill and to recommend its passage:

No. 219. A bill to discourage incompetent persons from practicing medicine or surgery within the State of Indiana;

Which was read a first time and passed to a second reading.

On motion by Mr. Humphreys

The special order of the day for 9 o'clock A. M. was postponed till to-day at 3 o'clock P. M.

Mr. Ellis, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 206. a bill to amend "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, and declaring certain taxes legal," have had the same under consideration, and recommend its passage, with the following amendment:

SEC. 5. All notices now required by law to be given by the trustees of any incorporated town or city, hereafter shall be given by written notices to be pasted up in three of the most public places within such incorporated town or city.

The report was concurred in, and the amendment adopted.

Ordered, That the bill be engrossed.

Mr. Lowe, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred petition of sundry citizens of Pike county, asking that a portion of said county be attached to the county of Warrick, have had the same under consideration, and have directed me to make the following report: The present boundary of Pike only covers an area of three hundred and thirty-eight square miles; therefore, any further reduction of said county, would be a direct violation of the spirit and letter of the 7th section of article 15 of the Constitution of Indiana. The committee are therefore of the opinion that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged from further consideration of the subject.

Mr. Sanford, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 34, entitled a bill to repeal an act prohibiting the evidence of Negroes and Indians, have had the same under consideration, and have directed me to report the following amendment thereto, and when so amended, to recommend its passage:

Strike out all after the enacting clause and insert the following words, to-wit: That an act entitled an act to prohibit the evidence of Indians and persons having one-eighth or more negro blood, in all cases where white persons are parties in interest, approved February 14th, 1853, which act is in the following words, to-wit:

No Indian or person having one-eighth or more Negro blood shall be permitted to testify as a witness in any cause in which any white person is a party in interest, be, and is hereby amended, to read as follows:

No Indian shall be permitted to testify as a witness in any cause in which any white person is a party in interest.

Which report was concurred in, and

On motion by Mr. Sanford,

The bill and amendment were laid on the table.

BILLS INTRODUCED.

Mr. Hargrove introduced

Bill No. 220. A bill to amend section 20 of an act, entitled an act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties, approved June 1st, 1852, and giving power to the clerk in certain cases to appoint elisors;

Was read a first time and passed to a second reading.

Mr. Shull introduced

Bill No. 221. A bill to repeal the law fixing the time of holding courts in the seventh judicial circuit, and fixing the time of holding courts in said circuit;

Which was read a first time and passed to a second reading.

Mr. Clark of Rush introduced

Bill No. 222. A bill to declare the meaning of an act entitled an act to prohibit the manufacture and sale of spirituous and in-

toxicating liquors except in certain cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance, approved the 16th day of February, 1855;

Which was read a first time and passed to a second reading.

Mr. Merrifield introduced

Bill No. 223. A bill to amend sections 32 and 33 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21st, 1852;

Which was read a first time and passed to a second reading.

Mr. Brazelton introduced

Bill No. 224. A bill to provide for the education of the colored children of this State;

Was read a first time and passed to a second reading.

Mr. Newcomb introduced bill

No. 225. A bill to authorize appeals to the Supreme Court from the judgment of the court of common pleas, in cases of contempt.

Which was read a first time and passed to a second reading.

On motion by Mr. Newcomb,

The order of business was suspended, and House bills on second reading were taken up.

House Bills on Second Reading.

No. 193. A bill to provide for the election of officers for the State Prison, and for the appraisment of property of said prison,
Was read a second time and ordered to be engrossed.

No. 194. An act to provide for the government of the State Prison,

Was read a second time.

Mr. Smith of Lagrange offered the following amendment:

"Amend by striking out section 21, and insert the following: "The Warden may order solitary confinement when, in his opinion, it is necessary, subject to the supervision of the directors."

On motion by Mr. Hudson,

The bill and pending amendment were laid upon the table.

No. 205. A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th, and 194th sections, and to repeal section 99, of an act entitled "an

act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property; county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852; and to provide for the assessment and taxation of free banks, bankers, stock jobbers, insurance companies, trust companies, saving institutions, gas companies, and other joint stock companies, whose taxation was not specially provided for,

Was read a second time.

Mr. Carnahan moved to amend by striking out all that relates to leaving printed lists.

Which was not adopted.

Mr. Buskirk moved to amend by adding the following section:

Sec. —. There being no law for the assessment and taxation of the property of bankers, brokers, stock jobbers, insurance companies, trust companies, savings institutions, and gas companies, it is declared that an emergency exists for the immediate taking effect of this act, therefore, it is declared that this act shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel and Journal, and it is hereby made the duty of the Secretary of State. immediately after the passage of this act, to send a certified copy of the same to the several county auditors in this State.

Which amendment was adopted.

Mr. Dunn offered the following amendment:

Amend by striking out so much of the bill as requires the 12½ per cent of specie on hand by banks to be taxed.

Which was not adopted.

Mr. Walpole offered the following amendment:

All deposits in banks, or with brokers, on the first day of January annually, shall be subject to assessment and taxation as money held by individuals, and shall be assessed to such bank or brokers, as the case may be.

Which was not adopted.

On motion by Mr. Buskirk,

The bill was laid on the table.

No. 195. A bill making an appropriation to aid in the erection of a monument on the Tippecanoe Battle Ground, and providing a plan for the same;

Was read a second time and ordered to be engrossed.

On motion by Mr. Carnahan,

The vote ordering the bill to engrossment, was reconsidered.

Mr. Carnahan moved to lay the bill on the table.

Which motion prevailed.

No. 196. A bill to authorize the Governor to contract for the

completion of the cells and cell-houses of the State Prison, and appropriating a sum of money for the same,

Was read a second time

On motion by Mr. Newcomb,
The bill was laid on the table.

No. 198. A bill to amend the sixty-third section of an act, entitled "an act for the incorporation of cities," approved June 18th, 1852,

Was read a second time.

On motion by Mr. Gordon,
The bill was laid on the table.

No. 200. A bill amending an act, entitled "an act regulating descents and the apportionment of estates, approved May 14th, 1852, and providing that the widow of a decedent shall make her election, in case her husband shall have died testate, between his will and the provisions made for her by law,"

Was read a second time and ordered to be engrossed.

No. 202. "A bill to provide for the appropriation of certain school funds raised for specific purposes, when these purposes have been abandoned,"

Was read a second time and ordered to be engrossed.

No. 214. A bill to apportion the Senators and Representatives for the next six years,

Was read a second time.

On motion by Mr. Logan,
The bill was laid on the table.

Mr. Shanks, from the committee on the judiciary, obtained leave and made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 74, "a bill to regulate the taking of appeals from the courts of common pleas and from justices of the peace," have had the same under consideration, and direct me to report the same back with the following amendment, and after the adoption of which they recommend its passage:

Strike out all after the enacting clause and insert the following:

SEC. 1. Any party may have an appeal from the judgment of a court of common pleas to the circuit court of the county within sixty days from the rendition thereof, and where there are two or more plaintiffs or defendants, one or more of such plaintiffs or defendants may appeal without joining the others in such appeal.

SEC. 2. The appellant shall, except in cases where the same may be dispensed with by law, file his bond with freehold security to the acceptance of the court or clerk, payable to the appellee, in a sum sufficient to secure the claim of the appellee, interests and costs, conditioned that he will prosecute his appeal to effect, and pay the judgment that may be rendered against him in the circuit court.

SEC. 3. On the filing of such bond the clerk shall make out and certify a complete transcript of all the proceedings had in said court of common pleas, together with such bond and all other papers in the cause to the circuit court to which the appeal is taken within thirty days after the filing of such bond, but no such appeal shall be dismissed for such failure of the clerk, nor for the insufficiency of the bond if the appellant will file a sufficient bond to the acceptance of the circuit court.

SEC. 4. Such cause shall stand for trial in the circuit court whenever such appeal has been taken more than ten days before the first day of the term thereof, and be tried under the same rules and regulations in practice in such circuit court; and amendments of the pleadings may be made on such terms as to costs and continuance as such circuit court may order.

SEC. 5. Nothing in this act shall prevent any person who may be aggrieved by any order, sentence, judgment, or denial of any court of common pleas, at his election for the purpose of correcting any error therein, from taking the same to the circuit court of the county within, and for which such court of common pleas was held, in like manner and subject to the same laws, rules and regulations by and under which, judgments of the circuit court and court of common pleas may be taken to the Supreme Court by appeal, but when any such appeal shall be taken to, or brought in the circuit court, and the judge of such court shall be disqualified from hearing and determining the same, the clerk of such circuit court shall certify the transcript of such cause to the Supreme Court, and such Supreme Court shall determine the same as if such appeal had, in the first instance, been taken to, or said writ of error had been originally brought, in such Supreme Court.

House bill No. 207. A bill relative to the rights of married women,

Was read a second time,

Mr. Cotton moved to strike out the word "her" and insert "his."

Which motion did not prevail.

On motion,

The House adjourned till 1½ o'clock, P. M.

2 O'CLOCK, P M.

The House met.

Mr. Buskirk was called to the chair,

Mr. Smith of Perry obtained leave and introduced

Bill No. 226. A bill to provide for the collection, safe keeping, transfer and disbursement of the State and county revenue,
Which was read a first time and passed to a second reading.

Mr. McConnell obtained leave, and introduced

Bill No. 227. A bill to amend the 103d section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions in the courts of this State."
Which was read a first time and passed to a second reading.

Mr. Newcomb obtained leave, and introduced

Bill No. 228. A bill to repeal sections 2 and 3 of an act entitled "an act to provide compensation to owners of animals killed or injured by the cars, locomotives, or other carriages of any railway company in this State;" approved March 1, 1853; also to extend the general law on the subject of partition fences, to railroad companies; and also requiring the erection of cattle guards, and the crossing of highways.

Which was read a first time and passed to a second reading.

Message from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 132. A bill in relation to the assessment of damages against railroad companies.

No. 137. A bill to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by the clerks of the circuit courts of this State after the reception of the Revised Statutes of 1852, in their respective counties.

No. 146. A bill legalizing the incorporation of such companies, and their acts as organized under any of the acts contained in the Revised Statutes of 1852, after the passage of said Statutes, and before they were distributed and went into effect.

No. 152. A bill defining the amount of property that shall be omitted by executors and administrators, in making out inventories.

No. 155. A bill for the better security of the funds arising from the sale of swamp lands.

In which the concurrence of the House is respectfully requested.

Mr. Smith of Perry moved to suspend the order of business, that Senate bill No. 132 be taken up.

Which motion prevailed.

No. 132. A bill in relation to the assessment of damages against railroad companies;

Which was read a first time and passed to a second reading.

House bill No. 207. A bill in relation to the rights of married women, was pending at adjournment.

Mr. Cotton offered the following amendment:

Insert after the words "her children," these words: "by such husband."

Which was adopted.

Mr. Newcomb offered the following amendment:

"No married man who shall desert his wife or minor children, shall have the right to sell or otherwise dispose of his personal property or take the same away from the possession of his family, so as to leave in the possession of such wife and minor children, or the wife, if there are no children, less than one thousand dollars worth of such property; and the wife, in case of such desertion, may apply to any justice of the peace of the township where she resides for the appointment of two disinterested appraisers who shall, under oath, appraise the property which may be left with her by such husband, and set off to her of such property as she shall select, one thousand dollars in value thereof, if so much there be, and shall make return thereof to such justice and the wife shall hold and may dispose of the same for the support of herself and children, if any, and control the same as her own until a reconciliation shall be effected with such husband; and if such appraisers shall find that less than one thousand dollars in value of personal property is in the possession of such deserted family, the wife may maintain suit in her own name for the recovery of any personal property other than money which such husband may have carried away, sold or otherwise disposed of, at a time subsequent to such abandonment, until the amount of one thousand dollars shall be

secured to such wife, or wife and children, and the wife may also sue for and collect any debt which may be due such deserting husband, until the sum aforesaid shall be received by or secured to her. In case of the desertion of a minor child or children where no wife is left, the child or children shall be entitled to the same provision aforesaid, and the guardian of such child or children, or any responsible person, who shall be approved by a justice of the peace of the proper township, and give bond to the State of Indiana to the approval of such justice for the faithful application of the property which may come into his hands, may for the use of such child or children do all acts which the wife, if there was one, might do; and the guardian shall account for the amount so received as for other property of his wards. Any next friend who shall receive any property or moneys under this act, shall make report thereof to the court of common pleas, and dispose of the same as such court may direct."

SEC. — The costs of the appraisement and other proceedings aforesaid shall be paid by such wife, guardian or next friend, when no other provision of law exists for the payment thereof.

On motion by Mr. Hester,
The bill was laid upon the table.

Mr Brazelton moved to take from the table

Senate bill No 6. A bill for the protection of the Sabbath;
Which motion prevailed.
The bill was read a third time, and the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Landers, Lemmon, Logan, McClure, Mallick, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Test, Thomas, Todd, Turner, Usry, Weir, Wilson, Wheeler and Wood—67.

Those who voted in the negative were,

Messrs. King of Johnson and Walpole—2.

So the bill passed.

Mr. Newcomb moved to amend the title by adding thereto these words: "and providing penalties for the desecration thereof."

Which was adopted.

The title as amended was adopted.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Test,

Leave of absence was granted to Mr. Meredith on account of sickness.

Message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill:

No. 39. An act to enable railroad companies to compromise with mortgagees and convey part of the road mortgaged in satisfaction of the mortgages, and to provide a mode of assessing damages for right of way when the road has been built before such right of way is fully settled for, and to enable the vendees on such settlement and conveyance to hold and enjoy the part so conveyed in satisfaction of such mortgage.

Which bill originated in the House of Representatives.

House bill No. 117. A bill repealing an act to authorize and regulate the business of general banking, approved May 28th, 1852, and providing for the liquidation of banks operating under the said act;

Being the special order of the day, was taken up.

Mr. Murray moved that it be indefinitely postponed.

Mr. Frazer called for the previous question, which was seconded by the House.

The question being, shall the main question now be put?

It was so ordered.

The question being, shall the bill be indefinitely postponed?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Brazelton, Burnett, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Ellis, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Harryman, Hillyer, Hudson, King of Johnson, Merrifield, Monks, Murray, Sanford, Sims, Smith of Lagrange, Spotswood, Stanton, Thomas, Todd, and Turner—32.

Those who voted in the negative were,

Messrs. Alden, Branham, Buchanan, Buskirk, Clark of Rush, Cotton, Crozier, Davis, Dunn, Fouts, Gordon, Hall of Warren, Hargrove, Hervey, Hester, Huffstetter, Hume, Humphreys, Landers, Lemmon, Logan, McConnell, McClure, McMurry, Malick, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Test, Usry, Walpole, Weir, Wilson, and Wheeler—41.

So the bill was not indefinitely postponed.

Mr. Newcomb moved to suspend the order of business and take up

House bill No. 199. "An act to repeal sections 2 and 3 of an act, entitled "an act to regulate the retailing of spirituous liquors, and the suppression of evils arising therefrom, approved March 4th, 1853, and declaring all licenses issued under said act null and void from and after the first Monday of April next."

The ayes and noes, on the suspension of the order of business, being demanded by Messrs. Walpole and Landers,

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hill-
yer, Hudson, McConnell, McMurry, Malick, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sims, Shanks, Smith of La-
grange, Spotswood, Stanton, Test, Thomas, Todd, and Turner—43.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Hume, Humphreys, King of Johnson, Landers, Lemmon, Logan, McClure, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Usry, Walpole, Weir, Wilson, and Wheeler—30.

So the order of business was suspended, and the bill taken up and read a third time.

Mr. Murray moved a call of the House,

Which motion prevailed.

The Clerk proceeded to the call, and the following members answered to their names:

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, King of Johnson, Landers, Lemmon, Logan, McConnell, McClure, McMurry, Malick, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Test, Thomas, Trusler, Turner, Walpole, Weir, Williamson, Wilson, and Wheeler—74.

On motion,
The further call was suspended.

Mr. Clark of Steuben obtained leave of absence for Mr. Hadsell, on account of sickness.

Mr. Schoonover obtained leave of absence for Mr. Tanner, on account of sickness.

Mr. Turner obtained leave of absence for Mr. Bartholomew, on account of sickness.

Mr. Spotswood obtained leave of absence for Mr. Sidwell, on account of sickness.

Mr. Hester obtained leave of absence for Mr. McFarland, on account of sickness.

Mr. Ellis obtained leave of absence for Mr. Shryock, on account of sickness.

Mr. Peden obtained leave of absence for Mr. Mellett, on account of sickness.

House bill No. 212. "A bill to raise a revenue for State purposes for the years 1855 and 1856,"

Being the special order of the day for three o'clock, was taken up.

On motion by Mr. Walpole,

The House resolved itself into committee of the whole, Mr. Walpole in the chair.

The committee, after being in session, arose and reported by their chairman as follows:

MR. SPEAKER:

The committee of the whole, to whom was referred House bill

No. 212, "a bill to raise a revenue for State purposes for the years 1855 and 1856," have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its engrossment.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Murray moved to suspend the order of business and that the bill be considered as engrossed and read a third time.

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, McConnell, McMurry, Merrifield, Monks, Murray, Peckenpaugh, Sanford, Schoonover, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Todd, Turner, and Wheeler—51.

Those who voted in the negative were,

Messrs. Carnahan, Fouts, Gordon, Hester, Huffstetter, Hume, Humphreys, King of Johnson, Landers, Lemmon, Logan, McClure, Malick, Miller, Montgomery, Newcomb, Peden, Peyton, Sims, Test, Usry, Walpole, Weir, and Wilson—25.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

House bill No. 218. A bill making general appropriations for the years 1855 and 1856, being the special order of the day for 3 o'clock, P. M., it was taken up, and,

On motion by Mr. Smith of Perry,

It was made the special order of the day for to-morrow at 10 o'clock A. M.

On motion by Mr. Turner,

House bill No. 66. A bill for the relief of Henry Wells, treasurer of Wells county, was taken up and, by leave, Mr. Turner made some explanatory remarks in reference thereto.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Union, Coen, Cotton, Dunn, Earl, Ellis, Essex, Gifford, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hudson, Huffstter, King of Johnson, Logan, McConnell, McMurry, Merrifield, Montgomery, Murray, Newcomb, Sanford, Schoonover, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Thomas, Todd, Turner, Walpole, Weir, and Wheeler—15.

Those who voted in the negative were,

Messrs. Bonner, Branham, Buchanan, Crozier, Davis, Dickerson, Fouts, Frazer, Gilham, Gordon, Gwinn, Hume, Humphreys, Landers, Lemmon, Peckenpaugh, Peden, Peyton, Sims, Shull, Studabaker, Test, Usry, and Wilson—24.

So the bill did not pass for want of a constitutional majority.

Mr. Merrifield moved to suspend the order of business, and take up Senate bill No. 138.

Which did not prevail.

House bill No. 203. A bill amending an act entitled "an act regulating prosecutions in cases of bartardy, and providing for the support of illegitimate children;" approved May 6, 1852, and providing for the prosecution of such cases by the overseers of the poor;

Was read a second time and ordered to be engrossed.

House bill No. 208. A bill to provide for the refunding of the school tax collected from the property of negroes and mulattoes, under the act approved June, 14, 1852;

Was read a second time, and ordered to be engrossed.

House bill No. 210. A bill to amend the 20th section of an act entitled an "act to incorporate the Fort Wayne and Columbia plank road company," approved January 21st, 1850;

When,

On motion by Mr. Buskirk,

It was referred to a select committee consisting of Messrs. Hester, Wheeler, Studabaker, Cotton and Gilham.

House bill No. 212. A bill authorizing the swamp land commissioner of Daviess county to make compensation to George Bradford for draining swamp lands in said county,

Was read a second time and ordered to be engrossed.

House bill No. 191. A bill to establish a State bank with branches,

Was read a second time,

When,

On motion,

The bill was laid on the table.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House :

No 159. A bill to change the times of holding courts in the eleventh judicial circuit, and to provide for further time in the county of Miami.

In which the concurrence of the House is respectfully requested.

Senate Bills on First Reading.

No. 146. A bill legalizing the incorporation of such companies and their acts, as organized under any of the acts contained in the Revised Statutes of 1852, after the passage of said Statutes, and before they were distributed and went into effect;

Was read a first time and passed to a second reading.

No. 155. A bill for the better security of the funds arising from the sale of swamp lands;

Was read a first time and passed to a second reading.

No. 137. A bill to legalize the acknowledgements of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by the clerks of the circuit courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties;

Was read a first time and passed to a second reading.

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills;

Was read a first time and passed to a second reading.

No. 129. A bill to amend section 2 of an act prescribing and defining the duties of constables;

Was read a first time and passed to a second reading.

No. 159. A bill to change the time of holding courts in the eleventh judicial circuit;

Was read a first time and passed to a second reading.

Mr. Smith of Perry moved to suspend the rules and read the bill a first time by its title.

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Tippecanoe, Clark of Union, Dickerson, Ellis, Essex, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hudson, Huffstetter, Humphreys, McConnell, Malick, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Test, Turner, Weir, Wilson, and Wheeler—46.

Those who voted in the negative were,

Messrs. Burnett, Carnahan, Clark of Rush, Clark of Steuben, Cotton, Crozier, Davis, Dunn, Earl, Fouts, Frazer, Hume, King of Johnson, Landers, Lemmon, Logan, McClure, Miller, Peden, Todd, Walpole and Wilson—22.

So the rules were suspended, and Senate bill No. 93, a bill to establish a bank with branches, was read a first time by its title.

Mr. Hester, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 21, an act to amend the 20th section of an act entitled an act to incorporate the Fort Wayne and Columbia plank road company, approved January 21st, 1850, have had the same under consideration, and directed me to report it back with the accompanying amendments, and when so amended, to recommend its passage:

Amend by inserting after the enacting clause the following: The section 20, of an act entitled 'an act to incorporate the Fort Wayne and Columbia Plank Road Company,' approved January 21st, 1850, which reads as follows:

SEC. 20. The corporation shall commence the construction of the same within two years, and complete so much thereof as shall be for the general interest of all concerned and the means of the company will allow, and whenever five continuous miles of such road shall be completed agreeably to the provisions of this act, the directors of such company may erect toll gates at such points and at such distances from each other as they may deem proper, and exact toll from persons traveling upon the road, not exceeding the following rates: For every sled, sleigh, carriage, or vehicle, drawn

by one animal, one and one-half cent per mile; for every horse and rider, or led horse, one cent per mile; for every score of sheep or swine, two cents per mile; and for every score of neat cattle, mules or asses, five cents per mile; persons going to and from funerals shall be exempt from toll. A list of rates established from time to time shall be posted up at some conspicuous place at each gate; be amended to read as follows.

Mr. Hudson moved that when the House adjourn, it do so till to-morrow morning at 8½ o'clock.

Which motion prevailed.

On motion by Mr. Murray,
The House adjourned.

TUESDAY MORNING, 8½ o'clock, {
FEBRUARY 27th, 1855.

The House met pursuant to adjournment.

On motion by Mr. Turner,
The reading of the journal was dispensed with, and so adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Hudson,

A petition from sundry citizens of Vigo county, on the subject of chartering a bank with branches.

On motion by Mr. Hudson,
The petition was laid on the table without reading.

By Mr. Weir,

A petition from the citizens of Sullivan and Vigo counties, praying the establishment of a bank with branches,

Which,

On motion by Mr. Weir,
Was laid upon the table.

By Mr. Dunn,

A petition from sundry citizens of Cass county on the subject of taxing lands for road purposes.

On motion by Mr. Dunn,

The petition was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Sanford, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means have directed me to report the accompanying bill and recommend its passage:

No. 229. A bill for the appraisement of real property,

Which was read a first time.

Mr. Sanford moved to suspend the rules, and read the bill a second time by its title.

The question then being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Clark of Rush, Clark of Union, Coen, Cotton, Dickerson, Dunn, Essex, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Humphreys, McConnell, McCord, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Test, Thomas, Todd, Trusler, Turner, U. S. y, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Brazelton, Carnahan, Clark of Steuben, Clark of Tippecanoe, Crozier, Davis, Earl, Gordon, Hester, Huffstetter, Hume, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Logan, McClure, McMurry, Malick, Miller, Montgomery, Spotswood, Weir, Wilson, and Wheeler—26.

So the rules were suspended and the bill read a second time by its title, and ordered to be engrossed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 204, entitled "a bill to repeal all laws incorporating the town of Clarksville and making the territory included therein subject to the general laws of the State of Indiana," have had the same under consideration, and direct me to report the bill back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Murray, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred Senate bill No. 134, a bill to repeal section 50, chapter 10, of an act "providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852, have had the same under consideration, and direct me to report the same back with one amendment, and when so amended, they recommend its passage :

Amend the title by adding, "and providing for credit on the sale of personal property, and legalizing settlements of executors and administrators in certain cases."

The report was concurred in, and the amendment adopted.

The bill was read a third time,

When,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peck-enpauqh, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Test, Thomas, Trusler, Turner, Usry, Weir, Wheeler, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Brazelton, Studabaker, Todd, and Wilson—4.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 136, "a bill to provide for the surrender and exchange of the certificates of stock of the State of Indiana," with an amendment, have had the same under consideration, and direct me to report the same back with an amendment, and when so amended they recommend its passage:

Amend by striking out "one" where it occurs and insert "five," so that it shall read "five hundred."

The report was concurred in, and the amendments ordered to engrossed.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred Senate bill No. 108, entitled "a bill relating to the reversal of judgments against convicts in the State Prison," have had the same under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in, and the bill read a third time,
When,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, McCord, Meredith, Merrifield, Murray, Newcomb, Sanford, Smith of Perry, Spotswood, Test, Thomas, Todd, Trusler, and Turner—37.

Those who voted in the negative were,

Messrs. Alden, Clark of Rush, Dickerson, Hadsell, Hargrove, Hester, Huffstetter, Hume, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McConnell, McClure, McMurry, Malick, Mellett, Miller, Monks, Montgomery, Peckenpaugh, Peyton, Schoonover, Sims, Shull, Smith of Lagrange, Studabaker, Usry, Walpole, Weir, Wilson, Wheeler, and Mr. Speaker—36.

So the bill did not pass for want of a constitutional majority.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 130, entitled "A bill to authorize the re-transfer of settlements of decedents' estates, guardianships, petitions to sell lands, and all other matters that have been transferred from the common pleas courts to the circuit courts on account of the judges of said common pleas being interested, back to said common pleas courts," have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill read a third time. The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lowe, McConnell, McCord, McClure, McFailand, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Spotswood, Studabaker, Test, Thomas, Todd, Trusler, Usry, Weir, Wheeler, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Logan, and Wilson—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined engrossed bills of the House Nos. 161, 171, and 173, and compared the same with the original copies thereof, and find the same correctly engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills Nos. 36, 174, 181, 187, 189, and 215, and engrossed amendments to Senate bill No. 8, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined the accompanying enrolled bill No. 94, with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

Mr. Hester, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 98, have had the same under consideration, and have directed me to report it back with the accompanying amendments, and when so amended, to recommend its passage.

Section —. Sections 13 and 20 of an act entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, be and the same is hereby repealed.

The report was concurred in.

The amendments were adopted and ordered to be engrossed.

Mr. Hester, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 101, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of Thomas Strong and others, citizens of Harrison county, praying for the location of a certain State road therein named, have had that subject under consideration, and are of the unanimous opinion that to grant the prayer of said petitioners would be a violation of the 22d section of the 4th article of the constitution, and have therefore directed me to report the same back to the House and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Hadsell, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Messrs. Sheets & Braden, have had the same under consideration, and have instructed me to report that they have investigated said claim, and believe that ninety-six dollars and fifty cents are justly due them, and recommend that the committee on ways and means be instructed to provide for the payment of the same in the specific appropriation bill, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means have had the subject of the swamp land funds under consideration, believing it to be their duty to examine carefully the amount of land sold, and also the pro-

ceeds of the sales, have made a partial examination thereof, and find several discrepancies existing; and as by the constitution of the State the proceeds arising from the sales of said lands are devoted to the cause of education, after deducting the expenses of selecting and draining the same; and as the committee have good reason to believe that a large amount of land has been sold, and the proceeds of said sales have never been paid into the treasury, amounting to the sum of one or two hundred thousand dollars, which, in the opinion of the committee, is a violation of the spirit of the law.

The committee also find that the papers, vouchers, reports and books connected with the same are numerous and complicated, and the session of this Legislature is now drawing to a close, they are compelled for want of time to defer making that rigid and thorough examination which the importance of the subject demands, and for the considerations and reasons above stated, the committee find it impossible to do so at this session, unless they neglect other matters of vital importance to the financial affairs of the State. Your committee therefore offer the following joint resolution:

Joint resolution No. 23. A joint resolution in regard to swamp lands.

Which was read a first time.

Mr. Meredith moved to suspend the rules and read the joint resolution a second time.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Landers, Logan, Lowe, McConnell, McCord, McClure, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Weir, Wheeler and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Steuben, Crozier, Davis, Essex, Gordon, Hadsell, Hargrove, Hester, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, McFarland, McMurry, Miller, Montgomery, Usry, Walpole and Wilson—25.

So the rule was suspended and the joint resolution read a second time.

Mr. Smith of Perry moved to fill the blank with the names of Solomon Meredith and Samuel H. Buskirk.

Which did not prevail.

Mr. Walpole moved to fill the blank, in part, with the name of Jeremiah Sullivan.

Mr. Test moved to fill the blank, in part, with the name of John Hunt.

The question being on filling the blank as proposed,

It was agreed to.

Mr. Walpole offered the name of E. Newland;

Which was not adopted.

Mr. Landers suggested the name of Mr. Newton;

Which was not adopted.

Mr. Walpole moved to insert the name of George Berry, of Franklin county;

Which prevailed.

Mr. Hester offered the following amendment:

Amend by providing that the Governor, Auditor and Treasurer of State shall make the investigation without additional compensation.

Mr. Newcomb moved to amend the amendment by striking out the words, "without additional compensation;"

Which did not prevail.

Mr. Test moved to lay the amendment on the table.

The question being on Mr. Test's motion to lay the amendment on the table,

Messrs. Hester and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Tippecanoe, Ellis, Fouts, Gifford, Hall of Laporte, Hall of Warren, Harryman, Hillyer, McConnell, McCord, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Sanford, Sims, Shanks, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Union, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hargrove, Hervey, Hester, Hudson, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, McMurtry, Miller, Monks, Montgomery, Peden, Peyton, Schoonover, Shull, Studabaker, Turner, Usry, Walpole, Weir, Wilson, and Wheeler—46.

So the amendment was not laid on the table.

Mr. Murray offered the following amendment:

Amend by adding "whether any frauds have been practised by the officers connected with the management and disbursement of the swamp land funds, and what measures may be necessary to save the fund from loss, and when such report shall be made to the Governor, he is hereby directed to institute and prosecute such suits, and such proceedings as he may deem necessary and proper for the security and safety of such funds."

Mr. Newcomb offered the following amendment to the amendment:

Strike out the words "without compensation," and insert "who shall receive a compensation, to be determined by the next legislature."

Which was adopted.

The question then being on the amendment as amended it was adopted and the joint resolution ordered to be engrossed.

Mr. Clark of Tippecanoe, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred Senate bill No. 46, with instructions to amend it, have had the same under consideration, and directed me to report the accompanying amendment, in pursuance of said instructions, and recommend its passage.

The report was concurred in.

Senate bill No. 46. A bill in relation to plank, macadamized, tram and gravel road companies.

The following is the amendment recommended by the committee:

SEC. —. WHEREAS, The State relinquished the Cumberland road, and the New Albany and Vincennes turnpike road to certain plank and turnpike companies, by means whereof such companies realized a large bonus from the State, and by the terms of their charters are bound to keep up their roads. It is therefore declared that nothing in this act shall authorize or permit such plank and turnpike companies to discontinue any portion of their roads, or to change their road into a "tram road."

The amendment was adopted.

Mr. Buskirk moved that the amendment be considered as engrossed, and the bill be read a third time.

Which motion prevailed.

The bill was read a third time,

When,

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Buchanan, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Huffstetter, Humphreys, Hunt, King of Johnson, King of Madison, Lemmon, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Brazelton, Clark of Union, Hargrove, Hume, Walpole, and Wilson—6.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred Senate bill No. 58, a bill to amend the 24th, the 31st, the 33rd, and the 37th sections of an act, entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852, have had that subject under consideration, and have directed me to report the same back to the House with one amendment, and when so amended recommend its passage:

Amend by adding the following additional section:

SEC. —. That whenever any person shall procure the establishment of a highway, private or public, by a change of one already established, or across his own land before the same shall be received by the proper supervisor as such, it shall be made as passable as the old highway, or as nearly so as the nature of the case will admit, of which fact the trustees of the townships in which the change is made shall be duly satisfied before such supervisor shall be required to keep it in repair.

Which report was concurred in, and the amendment ordered to be engrossed.

Mr. Smith of Perry moved that the amendment be considered engrossed, and the bill read a third time;

Which motion did not prevail.

Mr. Dunn, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the claim of Morrehead, Hall & Co., against the State of Indiana, have had the same under consideration, and directed me to make the following report: That owing to absence of witnesses they have been unable to decide upon the merits of the claim, and that the same may be properly investigated, they report the following joint resolution and recommend the passage of the same:

Joint resolution No. 24. A joint resolution directing the Attorney General to investigate a claim of Moorehead, Hall & Co., against the State, and report the testimony in relation thereto to the next General Assembly.

Which was read a first time and passed to a second reading.

Mr. McConnell, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER :

The committee on the organization of courts of justice, to whom was referred House bill No. 177, a bill fixing the time of holding courts in the eleventh judicial circuit and the length of terms, and adding the county of Blackford thereto, have had the same under consideration, and direct me to report the same back to the House with the following amendments, to-wit:

Add to the end of the 1st section: And the county of Delaware be, and the same is hereby added to the said eleventh circuit, and shall form a part of the said circuit until the 20th day of October, A. D. 1855; from and after which time it shall constitute a part of the thirteenth circuit. The first term of the court in said county of Delaware shall be held on the Monday succeeding the court in the county of Blackford, as provided for in this act, and thereafter the courts shall be held in the said county of Delaware on the Monday succeeding the courts in the county of Jay, as provided by law, and the terms of the said Delaware circuit court shall hold three weeks if the business require it, and when so amended, recommend its passage.

The report was concurred in, and the amendment adopted.

The bill was read a third time.

Mr. Murray moved to re-commit the bill with instructions to strike out Blackford county, and all that relates thereto.

Mr. Walpole moved to amend the instructions, by striking out Delaware county.

On motion by Mr. Merrifield,

A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, McConnell, McCord, McClure, McMurry, Malick, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson and Mr. Speaker—82.

On motion by Mr. Turner,
A further call was dispensed with.

On motion by Mr. Buskirk,
Leave of absence was granted to Mr. Huffstetter during the remainder of the session, on account of sickness in his family.

On motion by Mr. Hall of Warren,
The House adjourned till 1½ o'clock, P. M.

1½ o'clock, P. M.

House met.

On motion by Mr. Newcomb,
A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Alden, Beach, Bonner, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hudson, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson, Wheeler and Mr. Speaker—75.

On motion by Mr. Test,
The further call was dispensed with.

On motion by Mr. Landers,
Mr. Davis was granted leave of absence on account of sickness.

On motion by Mr. Peyton,
Mr. Hume was excused on account of sickness.

On motion by Mr. Schoonover,
Mr. Lewis was excused on account of sickness.

On motion by Mr. Monks,
Mr. Earl was excused on account of sickness.

The question at the adjournment being upon the re-committing
of

House bill No. 177, a bill fixing the time of holding courts in the eleventh judicial circuit, and the length of terms, and adding the county of Blackford thereto, and repealing all acts in conflict therewith, with instructions,

Was taken up.

On motion by Mr. Ellis,
The bill and pending amendments were laid upon the table.

Mr. Merrifield moved to suspend the order of business and take up House bill No. 138.

Which motion did not prevail.

Mr. Buskirk, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred Senate bill No. 88, a bill to amend the 2d section of an act entitled "An act to incorporate the Ward Cotton Mill, approved Feb. 15, 1848, and increasing the capital stock thereof," have directed me to report the same back without amendment and recommend its passage.

Which report was concurred in.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merifield, Miller, Montgomery, Murray, Newcomb, Pecken-

paugh, Peden, Peyton, Sanford, Schoonover, Stms, Shanks, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tacket, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Monks, Studabaker, Test, Walpole, and Wilson—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Buskirk, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred Senate bill No. 53, a bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State, have directed me to report the same back without amendment, and recommend its passage.

Mr. Fouts moved to refer the bill to a select committee with instructions to limit the duration of the franchises, the power to tax the tariff of rates.

Which motion prevailed.

Messrs. Fouts, Shryock, Hillyer, Test, Trusler and Walpole, were appointed said committee.

Mr. Test moved to suspend the order of business and take up

Senate bill No. 138. A bill to fix the time of holding the circuit courts in the 9th judicial circuit.

Which motion prevailed.

The bill was read a third time ;

And the question then being,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, Jeter, King of Johnson, Landers, Lemmon, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, San-

ford, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson, Wheeler, and Mr. Speaker—77.

No one voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hudson, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 104, "a bill to provide for the sale, under execution or order of sale of any house or other building belonging to the defendant, but situated on land not owned by him, and to provide for the purchase by landlords of such buildings, and to provide for the collection of rent in certain cases," have had the same under consideration, and recommend that section 3 of said act be stricken out, and when so amended they recommend its passage.

Which report was concurred in, the amendment adopted, and the bill read a third time.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Dickerson, Ellis, Frazer, Gilham, Gordon, Hadsell, Hall of Laporte, Harryman, Hillyer, Hudson, Hunt, King of Johnson, King of Madison, Lemon, McConnell, McCord, McFarland, Meredith, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sims, Shryock, Shull, Smith of Perry, Stanton, Sturgis, Test, Thomas, Trusler, Turner, Usry, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Fouts, Gifford, Gwinn, Hall of Warren, Hargrove, Hervey, Hester, Humphreys, Jeter, Landers, Logan, Lowe, McClure, McMurry, Malick, Merrifield, Peden, Schoonover, Sims, Shanks, Smith of Lagrange, Spotswood, Studabaker, Tackett, Test, Todd, Walpole, Weir, Wilson, and Wheeler—34.

So the bill did not pass for want of a constitutional majority.

Mr. Murray moved to take up

Senate bill No. 145. A bill to extend the time of holding courts of common pleas in the county of Tipton at its March term, 1855.

Which motion prevailed.

The bill was read a third time,

When,

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Walpole, Weir, Wilson, Wheeler, and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Landers and Usry—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Meredith moved to suspend the order of business and take up

Senate bill No. 93. "A bill to establish a bank with branches." Which did not prevail.

Mr. Frazer moved to suspend the order of business and take up

House bill No. 172. A bill to amend an act, entitled "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected herewith," approved June 14th, 1852,

Which was then taken up and read a third time.

Mr. Coen moved to re-commit the bill with the following instructions, to-wit:

Amend the bill so that the congressional township fund shall not be taken into consideration in the distribution of the school funds acquired from other sources, and further, so to amend the bill that the funds raised by taxation shall be distributed in the counties where raised.

Mr. Hester moved the previous question, which was seconded by the House.

The question then being, shall the main question now be put?

It was so ordered.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hester, Hudson, Humphreys, King of Madison, McConnell, McCord, Merrifield, Murray, Peckenpaugh, Peden, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Thomas, Todd, Turner, Walpole, Wilson, and Wheeler—44.

Those who voted in the negative were,

Messrs. Alden, Bonner, Buskirk, Carnahan, Clark of Union, Crozier, Essex, Gordon, Hall of Laporte, Hargrove, Hervey, Hill-
yer, Hunt, Landers, Lemmon, Logan, Lowe, McClure, McFarland, McMurry, Malick, Meredith, Miller, Montgomery, Newcomb, Peyton, Sanford, Schoonover, Sims, Tackett, Test, Trusler, Usry, Weir, and Mr. Speaker—37.

So the bill did not pass for want of a constitutional majority.

Messrs. Brazelton and Smith of Lagrange presented the following protest, which was ordered to be spread upon the journal:

Believing that intellectual and moral culture are essential to the well-being and happiness of any individual, and that the means of attaining an education, or enlightenment and elevation of the mental and moral faculties, is the natural birth-right of all, from whatever clime; and further, that it is the bounden duty of the State to hold out the same means and inducements for the cultivation and elevation of the mind to the colored as to the white child; and also believing that no man is greater than another only as he excels in intelligence and moral worth, we therefore respectfully protest against the proviso of the first section of House bill No. 172:

1st. Because we conceive it to be in direct conflict with that great fundamental principle of the Christian religion which declares that "all men should do unto others as they would that others should do unto them."

2nd. Because it is virtually a denial of the avowed inalienable right of man upon which our Government rests.

3d. Because it violates section first of article 8 of the constitution of the State; and

4th. Because it is oppressive and cruel in its operations.

WILLIAM SMITH,
JOHN BRAZELTON.

Mr. Newcomb moved to suspend the order of business, and take up

Bill No. 199. A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4th, 1853, and declaring all license issued under said act null and void from and after the 1st Monday of April next.

Which motion prevailed.

Said bill was accordingly taken up, and,

On motion by Mr Newcomb,

Referred to a select committee with instructions to amend as follows:

Amend by striking out the "first Monday in April," and inserting the "12th day of June next."

Said committee to consist of Messrs. Newcomb, Murray, and Clark of Tippecanoe.

Mr. Hudson moved to suspend the order of business, and take up

House bill No. 66. A bill for the relief of Henry Wells, treasurer of Lake county;

Which motion prevailed.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dunn, Earl, Ellis, Essex, Fouts, Gifford, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, King of Johnson, Logan, Lowe, McConnell, McCord, McClure, McMurtry, Malick, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peden, Peyton, Sanford Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Thomas, Todd, Turner, Walpole, Weir and Wheeler—61.

Those who voted in the negative were,

Messrs. Bonner, Brazelton, Clark of Rush, Clark of Union, Crozier, Dickerson, Frazer, Gilham, Gwinn, Hunt, King of Madison,

Landers, Lemmon, McFarland, Monks, Peckenpough, Sturgis, Tackett, Test, Trusler, Usry, Wilson and Mr. Speaker—23.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hudson obtained leave, and introduced the following resolution:

Resolved, That the committee on ways and means be instructed to inquire if there is any law now in force giving the Treasurer the right to borrow money, if necessary, to pay the semi-annual interest on our State debt; and if there is no such law, said committee report to this House a bill empowering said Treasurer so to do, when necessary;

Which was adopted.

Mr. Hadsell moved to suspend the rules, and take up

House bill No. 165. A bill supplemental to an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29th, 1852;

Which motion prevailed.

Said bill was accordingly taken up and read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Carnahan, Clark of Jasper, Clark of Steuben, Cotton, Hadsell, Harryman, Hester, Hillyer, Hunt, King of Johnson, McFarland, Meredith, Stanton, Todd, and Mr. Speaker—17.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branhan, Brazelton, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Crozier, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Herve, Hester, Hudson, Humphreys, King of Madison, Landers, Lemmon, Logan, Lowe, McCord, McClure, McMurry, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpough, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Test, Trusler, Turner, Usry, Walpole, Weir, Wilson and Wheeler—60.

So the bill did not pass.

Mr. Newcomb obtained leave and reported from a select committee as follows:

MR. SPEAKER:

The committee to whom was referred House bill No. 199, an act to repeal sections 2 and 3 of an act, entitled "an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, approved March 4th, 1853, and declaring all license issued under said act null and void after the first Monday of April next," have had the same under consideration, and have instructed me to report the same back with the following amendment, and when so amended, they recommend its passage:

Amend by striking out the words "the 1st Monday of April," and inserting "the 12th day of June next," in the 2d section of the bill.

The report was concurred in, and the amendment adopted.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Landers, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Gordon, Hargrove, Hester, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lowe, McFarland, Miller, Montgomery, Peyton, Shull, Sturgis, Usry, Walpole and Wheeler—25.

So the bill passed.

On motion by Mr. Newcomb,

The title was amended by striking out "the 1st Monday in April," and inserting "the 12th day of June next."

The title as amended was adopted.

Ordered. That the clerk inform the Senate thereof.

On motion by Mr. Dunn,

House bill No. 137. A bill in relation to subscription to the

stock of any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced, Was taken up.

Mr. Walpole offered the following amendment:

Add to the 1st section of the bill these words, at the end of — section: "and only then. Should such person, being a subscriber, fail to file in the office of the secretary of such railroad company his written disaffirmance of his said subscription, which dissent shall be filed within thirty days from and after the taking effect of this act, the failure of such stockholder to file such disaffirmance, shall be deemed and taken as a ratification of his subscription, and as binding as if said company had full power and authority to receive said subscription.

Which amendment was adopted by unanimous consent.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Coen, Cotton, Crozier, Dunn, Earl, Frazer, Gilham, Gwinn, Hall of LaPorte, Harryman, Hervey, Hillyer, Hudson, Humphreys, Hunt, McConnell, McCord, McFarland, Malick, Meredith, Miller, Montgomery, Murray, Peden, Peyton, Shanks, Smith of Perry, Stanton, Studabaker, Sturgis, Trusler, Usry, Walpole, Wheeler and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Beach, Burnett, Clark of Rush, Clark of Tippecanoe, Clark of Union, Ellis, Fouts, Gifford, Gordon, Hadsell, Hall of Warren, Hargrove, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, McClure, McMurry, Merrifield, Monks, Newcomb, Peckenpaugh, Sanford, Sims, Shanks, Shull, Smith of Lagrange, Spotswood, Tackett, Test, Thomas, Todd and Turner—37.

So the bill did not pass for want of a constitutional majority

On motion by Mr. Hudson,

The order of business was suspended, and House bills on their third reading were taken up.

No. 114. A bill to establish a State reform school for juvenile offenders, at the house of refuge in the vicinity of Indianapolis;

Was read a third time, and

On motion by Mr. Beach,

Was laid on the table.

No. 176. "A bill regulating the adoption of heirs,"
Was read a third time, and the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Dickerson, Earl, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hunt, King of Johnson, Lemmon, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Martin, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studalaker, Sturgis, Tackett, Thomas, Todd, Trusler, Turner, Usry, Weir, and Wheeler—70.

Those who voted in the negative were,

Messrs. Walpole and Wilson—2.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 118. "A bill to provide a site, system of government, and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders,"

Was read a third time, and the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hervey, Hillyer, McConnell, McCord, McFarland, Meredith, Merrifield, Miller, Murray, Newcomb, Peden, Sanford, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Walpole, and Wilson—52.

Those who voted in the negative were,

Messrs. Carnahan, Cotton, Crozier, Earl, Essex, Gordon, Hall of Laporte, Hargrove, Hester, Hudson, Humphreys, Hunt, Jeter, King

of Johnson, King of Madison, Lemmon, Logan, Lowe, McClure, McMurry, Malick, Monks, Montgomery, Peckenpaugh, Peyton, Schoonover, Shanks, Studabaker, Weir, and Wheeler—30.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Walpole moved to suspend the order of business,
Which motion prevailed.

Mr. Walpole then moved to re-consider the vote rejecting

Senate bill No. 112. "A bill to appropriate \$5,000 per annum for the purpose of colonization, and to give additional power to the State Board of Colonization."

Which motion prevailed.

Mr. Walpole moved to re-commit the bill to a select committee, with instructions to "strike out so much of said bill as appropriates five thousand dollars wherever the same occurs in the bill,"

Which motion prevailed.

Said committee to consist of Messrs. Walpole, Humphreys, and Hudson.

On motion by Mr. Test,

House bill No. 218. A bill making general appropriations for the years 1855 and 1856,

Was taken up.

Mr. Test moved that the bill be considered as engrossed and read a third time.

Which motion prevailed.

Mr. Walpole moved to re-consider the vote ordering the bill to be engrossed.

Which motion prevailed.

Mr. Beach offered the following amendment :

Amend section 3d by striking out the words "sixty thousand five hundred and fifty dollars," and insert in lieu thereof "ninety-one thousand, five hundred and eighty-seven dollars and eleven cents."

Also, add the following :

For furnishing the south wing thirty-one thousand two hundred and thirty-seven dollars and eleven cents.

Mr. Stanton moved the previous question,

Which was not seconded by the House.

Mr. Newcomb moved to re-commit the bill to the committee on ways and means, with instructions to report to-morrow morning at 9 o'clock A. M.

Which motion prevailed.

Mr. Cotton moved that the committee be instructed as follows:
Amend by striking out the amount that is proposed to be appropriated for military purposes.

Mr. Coen moved to suspend the order of business and take up

House bill No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.

Which motion prevailed.

The bill was read a third time, the question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hunt, Landers, Lemmon, Lowe, McConnell, McCord, Malick, Martin, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Test, Todd, Trusler, Turner, Wilson, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Clark of Union, King of Johnson, King of Madison, Logan, and McClure—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Todd moved that when this House adjourn, it adjourn till 8½ o'clock on to-morrow morning,

On motion by Mr. Frazer.

The House adjourned till 7 o'clock.

7 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Merrifield moved to take up messages from the Senate,
Which motion did not prevail.

Mr. Hervey moved to take up Senate bills on their second reading,

Which motion prevailed.

No. 93. A bill to establish a bank with branches.

Mr. Shryock moved to lay the bill on the table.

The question being on laying the bill on the table,

Messrs. Newcomb and Hillyer demanded the ayes and noes.

On motion by Mr. Frazer,

The House adjourned till a quarter past seven o'clock P. M.

7¼ O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Smith of Perry, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred House bill No. 218, a bill making general appropriations for the years 1855 and 1856, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended, to recommend its passage.

In section 3, strike out the following words: "For money borrowed on account of hospital buildings, twelve thousand dollars," and insert the following: "For the payment of the advanced toward the completion of the south wing, fifteen thousand dollars, and for the completion of the south wing, sixteen thousand one hundred and thirty-eight dollars."

In section 7, strike out the two last items of appropriation, and insert the following:

"For money borrowed from the sinking fund on account of hospital buildings, twelve thousand dollars with interest," and in obedience to the instruction of this House, strike out the following in section 1st, and in section 5, strike out the appropriations for the militia, and add the following section:

Section —. The Governor, Treasurer, and Auditor of State, are directed to superintend the application of the appropriations

towards the payment and discharge of the several debts of the benevolent institutions, as therein provided, and obtain the proper vouchers for such payments, and report their action to the next General Assembly, setting out the items of such payment.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Frazer obtained leave and introduced

Bill No. 230. A bill to provide for the signature of notes of the State Bank of Indiana, in case of the inability of the president from illness, accident, or otherwise, to make such signature.

Was read a first time and passed to a second reading.

Mr. Test obtained leave and introduced

Joint resolution No. 25. A joint resolution to prevent the issuing by the Auditor of State of any more bank bills under the general banking law without the consent of the Governor and Treasurer.

Was read a first time and passed to a second reading.

BILLS INTRODUCED.

Mr. Trusler obtained leave and introduced

Bill No. 231. A bill to amend section 34 and section 315 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Which was read a first time and passed to a second reading.

Mr. Newcomb obtained leave and introduced

Bill No. 232. A bill to amend sections 962 and 75 of an act, entitled "an act for the incorporation of cities," approved June 18th, 1852.

The bill was read a first time and passed to a second reading.

Mr. Smith of Perry obtained leave and introduced

Bill No. 233. A bill declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care.

Was read a first time and passed to a second reading.

Mr. King of Johnson introduced

Bill No. 234. An act to amend an act entitled "an act fixing the *per diem* and mileage of the members of the General Assembly, secretaries and doorkeepers."

Was read a first time and passed to a second reading.

Mr. Newcomb moved to take up House bills on third reading ;
Which motion did not prevail.

Mr. Meredith moved to take up Senate bills on third reading ;
Which motion did not prevail.

On motion by Mr. Buskirk,
Messages from the Senate were taken up.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz :

No. 160. A bill to amend the act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," and to empower the same to make sale of a portion of their roads, with one engrossed amendment of the Senate thereto ;

In which the concurrence of the House is respectfully requested.

Amend section 8 after it reads "business thereof," as follows:
"And it is further declared that the Central Plank Road Company shall in no case charge any officer, person, and teams connected with the public asylums of this State and the business thereof, any fee or toll contemplated herein; *And, provided further,* That no plank road in this State shall exact pay for persons going to and from funerals, or of soldiers of the United States or of this State, while in actual service, or of ministers of the gospel going to and returning from their appointments for preaching.

Which amendment was concurred in by the House.

Message from the Senate, by Mr. Turman, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bills of the House:

No. 92. A bill to provide for the issuing certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of the destruction of State certificates of stock.

No. 68. A bill providing for trial of causes in the several circuit courts in which the circuit judge is interested or related to either of the parties; also providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sections 3 and 4 of chapter 4, of the 2d volume of the Revised Statutes of 1852, and to provide for the compensation of persons holding such courts.

No. 150. A bill to authorize county commissioners in their respective counties to sell the lands in which the surplus revenue fund belonging to common schools has been invested, and to re-invest the proceeds.

No. 72. A bill to amend an act entitled "An act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.

No. 61. A bill to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessment of real estate.

No. 140. A bill to authorize the election of church wardens and vestrymen, and defining their powers and duties.

No. 170. A bill to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees.

No. 120. A bill to amend the 2d section of an act prescribing the duties of justices of the peace in criminal prosecutions, approved May 29, 1852.

No. 149. A bill providing for the sale of saline lands remaining unsold in this State.

No. 153. A bill prohibiting adult persons from gaming or wagering with minors, and prescribing that such adults, on conviction, shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from all liabilities for such gaming and wagering, in case the minor is a witness against such adults as may be charged.

No. 163. A bill to amend the 54th section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between the law and equity," approved June 18th, 1852.

No. 127. A bill to amend the 596th section of chapter 1st and article 29th of the Revised Statutes of 1852, and entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

No. 119. A bill to provide for the punishment of persons interfering with trains on railroads.

No. 145. A bill to legalize, confirm, and declare valid all sales of real estate, all settlements of decedents' estates, and any and all acts done by any person, officer, corporation, or association of persons, which may have been done in conformity with any amendatory act passed during the 37th session of the General Assembly of the State of Indiana.

No. 149. A bill to authorize the commissioners of swamp lands to compensate for ditching and draining where such has been completed by private enterprise, and was necessary to the draining of swamp lands belonging to the State, or which has been or may be sold as such.

No. 153. A bill to legalize the sale of certain lands lying in section sixteen made by county officers and treasurers.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison.

No. 182. A bill declaring void certain deeds or letters patent of the State of Indiana to the purchasers of swamp lands.

No. 140. A bill to provide for the government and discipline of the State Prison.

No. 80. A bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a branch, by a failing debtor or other person, when the same becomes necessary to prevent loss.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 178 A bill to provide for the election of State Printer by the people.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 144. A bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 93. A bill to establish a bank with branches.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz:

No. 166. A bill to authorize the issue of duplicate swamp land patents in certain cases;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 151. A bill relating to the State University, supplemental to and amendatory of an act, entitled "an act providing for the government of the State University, the management of its funds,

and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs by lessening the number of its Board of Trustees and limiting the expenses of managing its funds.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendment of the House to engrossed bill of the Senate

No. 148. A bill for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same.

No. 156. A bill to amend section 315 of chapter I of part second of the revised statutes of 1852.

No. 158. A bill to amend "an act to incorporate the Madison Marine Insurance company," approved January 11th, 1849.

No. 164. A bill to provide for the settlement of claims of the lessee of the State Prison.

No. 165. A bill to prevent the fraudulent issue of stocks.

In which the concurrence of the House is respectfully requested.

The following message was received from the Governor, by Mr. King, his Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill:

No. 94. An act to amend the 41st section of an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852, and for legalizing certain acts of swamp land commissioners who failed to comply with the provisions of the above recited act,

Which bill originated in the House of Representatives.

Senate bill No. 144. "An act to authorize the Governor to contract for the completion of the cells and cell-houses of the State Prison, and appropriating a sum of money for the same."

Was read a first time and passed to a second reading.

Senate bill No. 139. "A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison,"

Was read a first time and passed to a second reading.

Senate bill No. 178. "An act to provide for the election of State Printer by the people,"

Was read a first time and passed to a second reading.

Senate bill No. 182. "An act declaring valid certain deeds or letters patent of the State of Indiana to the purchasers of swamp lands,"

Was read a first time and passed to a second reading.

Senate bill No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers,

Was read a first time and passed to a second reading.

Senate bill No. 151. A bill relating to the State University, supplemental to and amendatory of an act, entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the university, and for securing a more economical administration of its affairs by lessening the number of its board of trustees, and limiting the expenses of managing its funds,

Was read a first time.

Mr. Carnahan moved to reject the bill.

The question being on rejecting the bill,

Messrs. Buskirk and Gifford demanded the ayes and noes.

The speaker ordered a call of the House.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Beach, Bonner, Buchanan, Burnett, Buskirk, Carnahan, Clark of Rush, Clark of Steuben, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Humphreys, Hunt, King of Madison, Landers, Lemmon, McConnell, McClure, McMurry, Malick, Meredith, Merrifield, Miller, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, and Wheeler—61.

On motion by Mr. Humphreys,

The House adjourned till 8½ o'clock to-morrow morning.

WEDNESDAY MORNING, 8½ o'clock, }
February 28th, 1855. }

House met pursuant to adjournment.

On motion by Mr. Bonner,

The reading of the journal of yesterday was dispensed with, and so it was adopted.

Mr. Hudson, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 99, have had the same under consideration, and have directed me to strike out the 6th paragraph and insert the following, and when so amended, they recommend its passage:

Strike out 6th paragraph and insert the following:

"No action shall be maintained for the recovery of the possession of real estate, against any person who has been in the actual adverse possession thereof for twenty years, or who claims under or through any person or persons whose adverse possession, including that of the person against whom such action is or may be brought, shall be twenty years or more, notwithstanding the patent or final conveyance of the State or general government, shall appear on the trial to have issued within twenty years, if it shall also appear on such trial that such patent or final conveyance was issued or founded upon a treaty or any act of Congress; *Provided, however,* That if any lands in this State, originally located by virtue of any warrant issued by the United States, to any soldier, for services in the war of 1812, or any other war, and where the patent has issued in the name of such soldier; then, and in that case the legal heirs of such soldier, or their grantees or assigns, or either of them, may maintain an action in their or each of their own names, for the recovery and possession of such lands, unless such actual adverse possession extends for more than twenty years."

The report was concurred in, and the amendment adopted.

The bill was read a third time.

The question then being,

Shall the bill pass?

On motion by Mr. Hudson,

The bill was laid on the table.

Mr. Shanks, from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 190, a bill to protect the rights and privileges of the people of the State of Indiana, and to secure them from unlawful and improper arrests, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. McConnell, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred House bill No. 26, a bill to provide a more general and equitable mode of publishing legal notices, have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

The report was concurred in.

On motion by Mr. McConnell,

The bill was laid upon the table.

Mr. Shryock, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 211, a bill declaring certain statutes therein mentioned a misprint, attaching certain territory to the county of Fulton, and legalizing the acts of officers in said territory, have had the same under consideration, and instructed me to report the same back to the House and recommend that it be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Humphreys, from a select committee, made the following report:

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 112 have had the same under consideration and have directed me to report the same back with the following amendment, and when so amended, recommend its passage.

Which report was concurred in.

The following message from the Senate, by Mr. Turman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House :

No. 167. A bill to amend the sixth section of an act entitled "An act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852.

With one engrossed amendment of the Senate to the title thereof.

In which the concurrence of the House is respectfully requested.

Amend the title so as to read "to amend 5th sections."

The amendment was concurred in.

Ordered. That the clerk inform the Senate thereof.

Mr. Buskirk, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 88, An act to amend the 14th section of chapter 101, approved June 17th, 1852, entitled "An act to enable trustees to receive lands and donation, and convey the same for the use of schools, churches, religious societies," &c., have had the same under consideration, and have directed me to report the same back with the following amendment, namely : Strike out all after the word to-wit, in first section, and insert the following; and when so amended, they recommend its passage :

SEC. 14. When any society within the meaning of this act, shall have been dissolved from any cause, a majority of the persons interested therein may revive the same, within five years after such dissolution, by electing a new board of trustees and making record of such election in the Recorder's office of the proper county as hereinafter provided, and whenever, from any cause, any church or religious society holding and possessing property, within the meaning of this act, shall have been dissolved, the annual or quarterly conference, or other ecclesiastical body to which such church or religious society is directly subordinate, shall have power to appoint trustees, in accordance with the customs and

usages of said church, to take the charge and control of the property of said church, or society, until it shall be revived as contemplated by this act.

Which report was concurred in, and the amendment adopted.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Buchanan, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, Humphreys, Hunt, Jeter, King of Madison, Landers, Lewis, Lowe, McCord, McClure, McFarland, Malick, Meredith, Merrifield, Miller, Murray, Newcomb, Peck-enpauigh, Peden, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Studabaker, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, and Mr. Speaker—62

Those who voted in the negative were,

Messrs. Branham, Brazelton, Burnett, Clark of Union, Hadsell, Hargrove, Hervey, Hume, King of Johnson, Lemmon, Logan, McMurry, Montgomery, and Wilson—14.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr Carnahan withdrew his motion to reject Senate bill

No. 151. A bill relating to the State University, supplemental to and amendatory of an act, entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs by lessening the number of its board of trustees and limiting the expenses of managing its funds.

Mr. Buskirk moved to suspend the rules and read the bill a second time by its title.

The question then being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush,

Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Davis, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Shaaks, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Trusler, Turner, Us. y, Weir, Wilson, and Mr. Speaker—75.

Those who voted in the negative were.

Messrs. Brazelton, Crozier, Todd, and Wilson—4.

So the rules were suspended and the bill read a second time by its title.

Mr. Buskirk moved to refer the bill to a select committee, with the following instructions:

Strike out all of the bill that provides for the sale of the university lands.

Which motion prevailed.

The committee consists of Messrs. Buskirk, Test and Hester.

Mr. Shryock offered the following additional instructions:

Amend said bill so as to require the President of the State University to be elected by the General Assembly of the State.

Which instructions were not adopted.

On motion by Mr. Hudson,

Senate bill No. 99. A bill to amend section 211 of an act, entitled "an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 15th, 1852, on the subject of limitations of civil cases;"

Was taken up and read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Branham, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Gifford, Hillyer, Hudson, Humphreys, Jeter, Lowe, McConnell, McCord, McFarland, McMurry, Mellett, Meredith, Murray, Newcomb, Peckenpaugh, Sanford, Shryock, Todd, Turner, Usry and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Beach, Bonner, Brazelton, Brothwell, Clark of Rush, Clark of Tippecanoe, Clark of Union, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, McClure, McFarland, McMurry, Merrifield, Montgomery, Schoonover, Sims, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Trusler, Weir, Wilson and Wheeler—47.

So the bill did not pass.

Mr. Humphreys moved to take up

House bill No. 87. A bill regulating the fees of officers and repealing former laws in relation thereto.

Which motion prevailed.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto,

With sundry engrossed amendments of the Senate thereto,

In which the concurrence of the House is respectfully requested.

Mr. Jeter moved to concur in the amendments separately,

Which motion prevailed.

Engrossed amendments of the Senate to engrossed bill of the House, No. 87, a bill regulating the fees of officers, and repealing former laws in relation thereto":

1st. Amend section 1st, 23d line: strike out "10" and insert "12½."

Concurred in.

2nd. Amend section 1st, 52d line: strike out "10" and insert "12½."

Concurred in.

3rd. Amend section 4th, 20th line: strike out "15" and insert "10."

4th. Amend section 7: after 24th line insert as follows: "The Recorder is authorized to issue fee bills for his own fees, according to the laws regulating the issuing of fee bills."

5th. Amend section 8th, 6th line, to read, "filing each paper, except county orders, and papers returned by township assessors, 5 cents."

6th. Amend section 11th, 9th line: after the word "perpetuated" insert "at the same time."

7th. Amend section 12th, 7th line: to allow five dollars docket fee in divorce cases when successful.

8th. Amend section 14th, 10th line: strike out "25" and insert "50."

9th. Amend section 14th, 12th line: strike out "25" and insert "50 cents for commitment to prison."

10th. Amend section 15th: strike out "10" and insert "25 cents for each transfer of judgment."

11th. Amend section 15th: strike out "25" and insert "50 cents for every trial."

12th. Amend section 15th, 19th line: strike out "25" and insert "50."

13th. Amend section 15th, 26th line: strike out "25" and insert "50."

14th. Amend section 15th, 32d line: strike out "10" and insert "25."

15th. Amend section 16th, 18th line: strike out "75" and insert "50."

16th. Amend section 17th, 9th line: strike out "1.00" and insert "75 cents."

17th. Amend section 18th, 3d line: strike out "75" and insert "50."

18th. Strike out "6 and 6 $\frac{1}{4}$ " and insert "5 cents" wherever they occur in the bill.

Mr. Jeter moved to concur in the amendments of the Senate separately.

Which motion prevailed.

The question then being put upon concurring in the amendments,

The first amendment was not concurred in.

The second amendment was not concurred in.

Mr. Ellis moved to re-consider the vote refusing to concur in second amendment.

Which motion prevailed.

The second amendment was then concurred in.

The third amendment was concurred in.

The fourth amendment was concurred in.

The fifth amendment was concurred in.

The sixth amendment was concurred in.

The seventh amendment was concurred in.

Mr. Test moved to re-consider the vote concurring in the seventh amendment.

Which motion did not prevail.

The eighth amendment was concurred in.

The ninth amendment was concurred in.

The tenth amendment was concurred in.

The eleventh amendment was not concurred in.

The twelfth amendment was not concurred in.
 The thirteenth amendment was not concurred in.
 The fourteenth amendment was not concurred in.
 The fifteenth amendment was concurred in.
 The sixteenth amendment was not concurred in.
 The seventeenth amendment was concurred in.
 The eighteenth amendment was concurred in.

Ordered. That the clerk inform the Senate thereof.

Mr. Meredith moved to suspend the order of business and take up Senate bill No. 93: A bill to establish a bank with branches,
 Which did not prevail.

Mr. Humphreys moved to reconsider the vote,
 Which motion prevailed.

The question then being on suspending the order of business,
 It was so ordered.

So the bill was taken up and read a second time.

On motion of Mr. Humphreys,
 The bill was then referred to a select committee.

Said committee to consist of Messrs. Humphreys, Newcomb, Smith of Perry, Wheeler, Hall of Laporte, Meredith, and Walpole.

Mr. Shull offered the following instructions:

“Amend said bill by striking out the several sections that provide for the sale of the State’s interest in the present State Bank of Indiana, to the new bank on a credit, and so much of said bill as provides that the State shall stand indebted to her bondholders till the years 1864, 1865, and 1866, in aid of, and for the benefit of the new bank; and so much thereof as gives to the new bank the dividends earned by the present State bank on the State’s stocks in consideration of her paying the interest on the outstanding bonds, (as the interest on the outstanding bonds will not equal the dividends,) and so much of said bill as provides that the dividends for the six months preceding the 25th day of April, 1855, be paid over to the new bank; that is to say, strike out of said bill sections 84, 85, 86, 87, and 88,

Which instructions were adopted.

On motion by Mr. Hall of Warren,
 Senate bill No. 4. A bill appropriating 5,000 per annum for the purpose of colonization, and to give additional power to the State Board of Colonization,

Was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Huffstetter, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Miller, Montgomery, Newcomb, Peckenaugh, Peden, Sanford, Schoonover, Shryock, Shull, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Usry, Walpole, Weir, and Wilson—69.

Those who voted in the negative were,

Messrs. Beach, Brazelton, Brothwell, Clark of Steuben, Hadsell, Shanks, Smith of Lagrange, Stanton, Turner, Wheeler, and Mr. Speaker—11.

So the bill passed.

Mr. Humphreys moved to amend the title by striking out of it all that relates to the \$5,000 per annum,

Which motion prevailed.

The title, as amended, was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Meredith moved to suspend the order of business and take up Senate bill No. 29: A bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies.

Which motion did not prevail.

Mr. Frazer moved to suspend the order of business and take up

House bill No. 78. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof;

Which motion prevailed.

Mr. Frazer moved to reconsider the vote ordering the main question to be put;

Which motion prevailed.

Mr. Hester withdrew his call for the previous question.

Mr. Frazer, by unanimous consent of the House, moved to strike out "twenty cents" in 1st section, and insert "fifteen cents."

Which amendment was adopted by unanimous consent.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Warren, Harriman, Hervey, Hester, Hudson, Humphreys, Hunt, King of Johnson, King of Madison, McConnell, McCord, Meredith, Merrifield, Monks, Montgomery, Murray, Peckenpaugh, Peden, Peyton, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Thomas, Tedd, Turner, Walpole, Wilson and Wheeler—54.

Those who voted in the negative were,

Messrs. Alden, Bonner, Buskirk, Carnahan, Clark of Rush, Clark of Union, Crozier, Davis, Essex, Hall of Laporte, Hargrove, Hill-
yer, Hume, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McMurry, Malick, Mellett, Miller, Newcomb, Sanford, Schoonover, Tackett, Tanner, Test, Trusier, Usry, Weir, and Mr. Speaker—34.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hargrove, from a select committee, made the following report:

MR. SPEAKER:

The majority of the select committee, to whom was referred House bill No. 75, a bill to more particularly define the boundary line between the counties of Gibson and Warrick, together with sundry petitions for and against restoring to Gibson county a small strip of territory containing twelve sections that were attached to Warrick county through mistake by the revision of 1852, have had that subject under consideration, and find that the subject of the boundary line between those counties had been a mooted question for many years previous to the session of 1847; that it appears there were twenty-four sections held in dispute between said counties until the session of 1847. It also appears to the committee, that until the session of 1843, Gibson county exercised jurisdiction over nine sections, and Warrick county fifteen sections of the said disputed territory, when, by the revision of the laws on county boundaries at that session, the whole of said disputed territory was attached to Gibson county by mistake, but that the

Legislature of the ensuing session corrected said error or mistake by repealing that portion of the revision of 1843 which related to the boundary line between said counties. And the matter thus remained until the said session of 1847, each county exercising jurisdiction over said territory as before the revision of 1843, and at the said session of 1847 the subject matter came up again, and was referred to a select committee of the House, composed in part of the members from said counties; and that after consideration of the subject, the member from Warrick county reported a bill to the House from said committee as a compromise of the matter, which divided the said disputed territory equally between the two counties, and which became the law of that session, and which also fixed and settled the boundary line between said counties as contemplated in the bill now referred to the committee, and which remained so without further disturbance until the revision of 1852, when, in the opinion of a majority of the committee, a similar mistake occurred in the revision of that session, to the prejudice of Gibson county, by attaching to Warrick county the twelve sections allotted to and constituting a part of Gibson county, as fully settled by the aforesaid act of 1847. The committee in fully examining the subject, are of opinion that the change made by the revision of 1852 occurred equally by mistake with that of 1843, and without the consent or knowledge of the representatives of said counties in both cases; and therefore a majority of the committee are of opinion that with the same degree of right, justice and propriety, the mistake or error existing in the present case, should be corrected or remedied by legislative enactment, as was done in a former case by a succeeding Legislature, and for that purpose have directed me to report the same back to the House with the following amendment as a preamble thereto, and when so amended, they recommend its passage:

Amend by attaching the following preamble:

WHEREAS, It has been represented to the present General Assembly that pursuant to the provisions of sections 29 and 86 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7th, 1852, an error exists in the boundary line between Gibson and Warrick counties, which occurred by mistake in the revision of said act, for remedy whereof.

On motion by Mr. Newcomb,

The bill was laid on the table.

On motion by Mr. Test,

The order of business was suspended and House bill No. 214. A bill to apportion Senators and Representatives for the next six years,

Was taken up.

Mr. Newcomb moved to amend the bill as follows:

Insert after the words "elect two," in section second, these words: "And the following counties shall elect a representative jointly, to-wit: "

Which amendment was adopted.

Mr. Dunn moved to recommit the bill to a select committee,

Which motion did not prevail.

Mr. Shanks offered the following amendment:

"Amend, so that Jay county shall be entitled to one representative "

Which amendment was not adopted.

Mr. Schoonover moved to amend as follows:

"Amend by separating Scott from Washington county and attach it to Jackson county for a Senatorial district."

Which amendment was not adopted.

Mr. Thomas offered the following amendment:

"Amend section 2, by striking out the county of Jasper from the district composed of the counties of White and Jasper, and add Benton county to White county and Jasper to Pulaski."

Which was adopted.

Mr. Dunn offered the following amendment:

"Amend by striking from the proposed Senatorial district composed of Cass, Fulton, and Pulaski, the county of Pulaski.

Which was not adopted.

Mr. Sturgis offered the following amendment:

"Amend by striking out Whitley from Hen and inserting Adams for a Senatorial district."

Which was not adopted.

Mr. Essex offered the following amendment:

"Amend so that Bartholomew county shall have one Representative and one Senator "

Which was not adopted.

Mr. Shanks offered the following amendment:

"Amend so that Jay shall have one Representative, Blackford one, and that Delaware and Madison shall not have a joint Representative."

Which was not adopted.

Mr. Shanks offered the following amendment:

"Amend so as to join Jay and Blackford counties with Randolph for senatorial purposes."

Which was not adopted.

Mr. Murray moved the previous question,

Which was seconded by the House.

The question then being,

Shall the main question be now put?

It was so ordered.

The question then being,

Shall the bill be engrossed?

It was so ordered.

Mr. King of Johnson moved to re-commit the bill with the following instructions :

“Amend by giving Johnson county one Representative in the Senate and one in the House.”

Which motion did not prevail.

Mr. Walpole moved to adjourn.

Which motion did not prevail.

On motion by Mr. Murray,

The bill was considered as engrossed and ordered to be read a third time.

The bill was then read a third time.

On motion by Mr. Buskirk,

The bill was referred to a select committee with instructions “to inquire whether the bill did not provide for one hundred and one representatives.”

The committee appointed are as follows :

Messrs. Newcomb, Thomas, and Clark of Jasper.

Mr. Newcomb moved to re-consider the vote refusing to concur in the first amendment of the Senate to House bill No. 87, “a bill regulating the fees of officers, and repealing former laws in relation thereto.”

Which motion prevailed.

The question then being on concurring in the amendment, it was concurred in.

On motion,

The House adjourned till 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion by Mr. Sins,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names :

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn,

Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hudson, Humphreys, Hunt, King of Johnson, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Thomas, Todd, Trusler, Turner, Walpole, Wheeler, and Mr. Speaker—67.

On motion,
A further call was suspended.

On motion by Mr. Hargrove,
Mr. Carnahan was allowed leave of absence on account of sickness.

Mr. Smith of Perry moved to suspend the order of business, to take up House bill No. 233.

Which motion prevailed.

House bill No. 233. "A bill declaring express companies to be common carriers and providing for the safety of articles entrusted to their care,"

Was read a second time and ordered to be engrossed.

Mr. Hudson moved to suspend the order of business and take up messages from the Senate.

Which motion prevailed.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 93. A bill to amend an act, entitled an act to authorize and regulate the business of general banking,

With sundry engrossed amendments of the House thereto.

In which the concurrence of the House is respectfully requested.

Engrossed amendments of the Senate to engrossed bill of the House No. 93, a bill to amend an act, entitled "an act to authorize and regulate the business of general banking":

In section 4, 19th line, strike out "one-sixth" and insert "one-twentieth."

In section 6, 25th line, strike out "eighteen" and insert "ten."

In same section, 33d line, strike out "eight" and insert "six."

In same section, 10th line, strike out "twenty-five" and insert "ten."

Add to section 17, "*Provided*, however, that the provisions of this section shall not apply to the banks now in existence respecting the number of stockholders."

In section 18 after the words "the place" insert "and which shall not contain less than one thousand inhabitants."

Strike out section 34.

In section 40, line 10th, strike out the word "alone."

Add the following section in the proper place:

SEC. —. Each bank instituted under the provisions of this act, and each bank now in existence instituted under the provisions of said amended act, shall, upon its compliance with the provisions of this act, appoint an agent, who shall keep an office in the city of Indianapolis for the redemption of the circulating notes of such bank, either in coin or exchange, upon the city of New York, at the option of such bank; *Provided, however*, That such circulating notes may be redeemed at such agency, if in coin, at a rate of discount not exceeding one per cent., and if in exchange, not exceeding the current rate of exchange at the time upon New York.

Also,

SEC. —. Such agent shall be appointed in writing, a certificate of which shall be filed in said banking department, which shall cause a list of the agents appointed under this act, to be published in one of the daily newspapers of the city of Indianapolis.

Also,

SEC. —. Each bank whose agent shall, for the space of ten days refuse to redeem its notes as aforesaid, may be proceeded against by the banking department upon protest, in the same manner as herein provided, upon a refusal to pay coin at the bank.

Strike out section 49, and insert as follows:

SEC. 49. Every bank or banking association, organized under the provisions of the general banking law of this State may, in case it shall immediately after the passage of this act pay all its circulating notes in coin upon demand, have until the 1st day of March, 1857, to wind up or accept the provisions of this act; *Provided*, that the Auditor in no case issue any circulating notes to any bank until it shall fully have complied with the provisions of this act; *And provided further*, that if any bank shall fail to pay its circulating notes in coin, it shall be wound up and closed by the Auditor, pursuant to the provisions of this act.

Insert in the proper place, the following sections:

SEC. —. The Auditor of State shall give bond with security in the sum of twenty-five thousand dollars, and the Treasurer of State shall give bond with security in the sum of fifty thousand dollars, payable to the State of Indiana, conditioned for the faithful performance of their respective duties under this act, which bonds and security shall be approved by the Governor, and his approval shall be endorsed on the bonds, which shall then be placed by him in the office of the Secretary of State, who shall file and deposit them in his office, and suit may be brought thereon for the use of

any person or persons, or any banking association which may be injured by any breach of duty on the part of said Auditor or Treasurer, in relation to any duties required of them respectively by this act.

SEC. — The Auditor shall receive a salary of fifteen hundred dollars, and the Treasurer of State shall receive eight hundred dollars salary in addition to all other fees and salaries for the performance of all duties required of them by this act, which salaries shall be paid out of the State treasury; which amount shall be repaid to the said treasury by the banks in the form of a fee of one cent on each bill for circulation, signed by the Auditor; and if said fee does not amount to a sum sufficient to repay the same, the residue shall be apportioned equally amongst the banks, and retained out of their interest on their bonds unless otherwise paid by the respective banks upon being duly informed of the amount thereof.

SEC. — A majority of all the stock of each of the banks to be established under this act, shall be owned at all times by resident citizens of this State, and before issuing to any association to be established under this act, any of its notes, the Auditor shall ascertain to his satisfaction that a majority of such stock is so owned, and for that purpose shall be authorized to require the affidavit of one or more of such owners to that effect.

SEC. — Any bank or banking association organized under the general banking law of this State, or hereafter to be organized, desiring to go into liquidation for the purpose of closing business, shall give public notice of that fact, in two newspapers, at Indianapolis, and in one published at the place, or nearest to the place, where such bank or banking association is located, and the Auditor thereupon shall receive and cancel all the issues of such bank or banking association that may, from time to time, be presented by such association to him, and for every one hundred dollars thus cancelled, he shall certify the same to the treasurer, who shall surrender to such bank or banking association the amount of stock deposited to secure the same, as often as such notes shall have been received and canceled, in sums large enough to cover the value of one or more of the securities in the hands of the Treasurers; *Provided*, that the treasurer in so surrendering such securities, shall deliver to such bank or association securities not exceeding in value a fair average of those deposited by such bank or association, as near as may be; and at the expiration of two years after such bank or association has given the notices required in this section, including a notice to all holders of its notes in circulation, to present them at said bank or association all its stocks or securities remaining deposited in his office. If such bank or association shall file a bond or undertaking, signed by all the owners of its stock, or a bond signed by any stockholder, with security to be approved by the Auditor, conditioned for the prompt payment on demand of all its outstanding notes if any such notes remain unpaid.

Insert in the proper place

SEC. —. Every bank organized under the provisions of this act or the one to which this is an amendment, which shall have accepted the provisions of this act, shall mutually accept the circulating notes of each other when offered or tendered by any person in payment of any debt or obligation.

Mr. Buskirk moved that the amendments be concurred in separately.

Messrs. Test and Tackett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Buchanan, Buskirk, Clark of Rush, Cotton, Dickerson, Essex, Fouts, Hall of Laporte, Hervey, Hester, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Martin, Mellett, Miller, Monks, Murray, Peden, Peyton, Sims, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tacket, Tanner, Test, Wilson, Wheeler, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Hume, Lemmon, Lewis, Lowe, Malick, Meredith, Merifield, Montgomery, Peckenaugh, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Lagrange, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, and Wheeler—47.

So the motion to concur separately did not prevail.

Mr. Walpole moved to concur in the amendment of the Senate with an amendment as follows:

“It is expressly provided that nothing in this act requiring 1000 of a population before a bank shall be located in any town shall not apply to any county seat.”

Mr. Test moved to lay the bill and amendments on the table.

The question being put,

Messrs. Test and Newcomb demanded the eyes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buchanan, Fouts, Gordon, Hervey, Hester, Humphreys, Hunt, Jeter, King of Madison, Lewis, Logan, McConnell, McClure, Malick, Mellett, Miller, Peden, Peyton, Smith of Perry, Tackett, Tanner, Test, Weir, Wilson, and Mr. Speaker—26.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Hume, King of Johnson, Landers, Lemmon, Lowe, McCord, McMurry, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Thomas, Todd, Trusler, Turner, Usry, Walpole, and Wheeler—63.

So the bill and amendment,
Were not laid on the table.

Mr. Weir moved to reconsider the vote refusing to concur in the amendments of the Senate separately.

Which motion did not prevail.

The question then recurring on the motion of Mr. Walpole, to concur with the amendment of the Senate with an amendment.

Messrs. Test and Newcomb demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Hume, King of Johnson, King of Madison, Lemmon, Meredith, Merrifield, Monks, Montgomery, Murray, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Sturgis, Thomas, Todd, Trusler, Turner, Walpole, and Wheeler—45.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Clark of Rush, Cotton, Davis, Dickerson, Ellis, Essex, Fouts, Gordon, Hervey, Hester, Jeter, Landers, Lewis, Logan, McConnell, McCord, McClure, McMurry, Malick, Martin, Mellett, Miller, Newcomb, Peden, Peyton, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Usry, Weir, Wilson, and Mr. Speaker—43.

So the amendments were concurred in, with the amendment.

Mr. Frazer obtained leave and introduced

Bill No. 234. A bill to authorize the establishment of public

schools in the incorporated cities and towns, and in the civil townships of the several counties of the State of Indiana.

Which was read a first time.

Mr Frazer moved to suspend the rules and read the bill a second time,

When,

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Hunt, King of Johnson, King of Madison, Landers, Lewis, McConnell, McCord, McFarland, McMurry, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, and Wheeler—68.

Those who voted in the negative were,

Messrs. Hargrove, Hume, Jeter, Lemmon, Logan, Miller, Montgomery, and Mr. Speaker—8.

So the rules were suspended and the bill read a second time.

The bill was ordered to be engrossed.

The Speaker laid before the House the following communication from the Governor:

HON. DAVID KILGORE,

Speaker of the House of Representatives:

SIR:—You will please lay before the House of Representatives the enclosed joint resolution of the General Assembly of the State of Rhode Island and Providence Plantations.

Yours respectfully,

JOSEPH A. WRIGHT.

A joint resolution in relation to the importation into this country of foreign paupers and foreign criminals and to require a previous continuous residence of twenty-one years in this country to enable an alien to become a citizen thereof."

On motion by Mr. Buskirk,

The communication with the joint resolution was laid on the table.

Mr. Buskirk, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 151, have had the same under consideration, and recommend that the same be amended by striking out from the enacting clause, and inserting the following, and when so amended they recommend its passage and amend the title as follows:

No. 151. A bill relating to the State University, supplemental to and amendatory of an act entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs by lessening the number of its Board of Trustees, and limiting the expenses of its funds.

That section two of an act, entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th, 1852, which is as follows, to-wit:

SEC. 2. The present trustees, three of whom shall reside in the county of Monroe, and their successors, shall be a body politic, with the style of "The Trustees of Indiana University," in that name to sue and be sued, to elect one of their number president, to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers, to fill all vacancies in such board, which appointment shall continue until the next meeting of the General Assembly, at which time the General Assembly shall fill all such vacancies; to possess all the real and personal property of such University for its benefit, to take and hold in their corporate name any real or personal property for the benefit of such institution, to expend the income of the University for its benefit, to declare vacant the seat of any trustee who shall absent himself from two successive meetings of the board, or be guilty of any gross immorality, or breach of the by-laws of the institution; to elect a president, such professors, and other officers for such University as shall be necessary, and prescribe their duties and salaries; to prescribe the course of study and discipline and price of tuition in such University, and to make all by-laws necessary to carry into effect the powers hereby conferred, be and the same is hereby amended to read as follows, to-wit:

The board of trustees of the State University shall be eight in number, of whom not more than one shall reside in the same county, excepting the county of Monroe, from which two may be selected, and they and their successors shall be a body politic, with the style of "The Trustees of Indiana University," in that name to

sue and be sued, to elect one of their number president, to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers, to possess all the real and personal property of such University for its benefit, to take and hold in their corporate name any real or personal property for the benefit of such institution, to expend the income of the University for its benefit, to declare vacant the seat of any trustee who shall absent himself from two successive meetings of the board, or be guilty of any gross immorality, or breach of the by-laws of the institution, to elect a president, such professors and other officers for such University as shall be necessary, and prescribe their duties and salaries, to prescribe the course of study and discipline and price of tuition in such University, and to make all by-laws necessary to carry into effect the powers hereby conferred.

SEC. 2. The following persons and their successors shall constitute said board.

Joseph S. Jenckes, of Vigo county; Joel B. McFarland of Tippecanoe county; George Evans of Henry county; William M. French of Clark county, Ransom W. Aiken of Monroe county; Johnson McCullough, of Monroe county; James R. M. Bryant, of Warren county; John J. Morrison, of Washington; two of whom shall serve for two years, two for three years, and three for four years.

SEC. 3. The first meeting of said board shall be at the town of Bloomington on Monday, the second day of April, 1855, when they shall determine by lot their several terms of service.

SEC. 4. Vacancies in said Board, whether occasioned by death, resignation, removal from the State, expiration of terms of service, or otherwise, shall be filled by the State Board of Education.

SEC. 5. The trustees of said University shall receive when employed in the actual service of the University the same pay as members of the General Assembly.

SEC. 6. All contracts heretofore entered into by the Trustees of the Indiana University, for rebuilding the main University edifice be and the same are hereby legalized.

SEC. 7. The Auditor of State and the Treasurer of State for the management of the University fund, shall be, jointly, entitled to receive five per centum upon the interest paid in on such fund, and it shall not be lawful for them, or either of them, to make any other charges against the same.

SEC. 8. That the time for the final judgment to be made by the holders of original certificates for the purchase of lands reserved and granted to the State University of Indiana, in the case of all such certificates as have heretofore been issued, and are now outstanding, be extended for the further term of three years from the time when the same may respectively fall due.

SEC. 9. Any and all holders of such certificates, as aforesaid, who have forfeited such lands by the non-payment of interest on

the purchase money, shall be exempted and released from such forfeiture, by paying to the commissioner of such lands on or before the first day of August, 1855, all interest due on the same, together with the interest upon the amount due at the time of said forfeiture up to the time of said payment, and upon such payment being made in the manner and within the time herein specified, the holder of such certificate shall have the same rights under it as if such forfeiture had never occurred.

SEC. 10. If any portion of said lands now forfeited, shall not have been redeemed on the said first day of August next, as provided in the ninth section of this act, it shall be the duty of the commissioner of said reserved lands to sell the same for the best price he can obtain, not less than the original purchase price, allowing the purchaser a credit on the same as now provided by law; if any of such lands shall hereafter be forfeited, it shall be the duty of the commissioner, if the same is not redeemed within six months from the time of such forfeiture, to sell the same on the terms in this section above provided. For his services in effecting such sales the commissioner shall be entitled to retain out of the first money received from the purchasers five per cent. upon the amount of the purchase price of such lands.

SEC. 11. All laws and parts of laws, contravening the provisions of this act, are hereby repealed.

SEC. 12. It is hereby declared that an emergency exists, by reason of the provisions of this act; therefore it shall be in force from and after its passage.

Mr. Frazier moved to amend the amendment by adding the name of James R. M. Bryant, of Warren county.

Which motion prevailed.

The report was concurred in, and the amendment, as amended, was adopted.

The bill was ordered to be engrossed.

Mr. Newcomb obtained leave and made a report from a select Committee, as follows:

MR. SPEAKER:

A majority of the select committee to whom was referred House bill No. 214, entitled "An act to apportion the Senators and Representatives for the next six years," have had the same under consideration, and recommend that the vote by which Jasper and Pulaski counties, and White and Benton counties were united in representative districts, be reconsidered and the bill restored to its original provisions.

The report was concurred in.

Mr. Newcomb moved to reconsider the vote considering the bill as engrossed and ordering the bill to a third reading

Which motion prevailed.

Mr. Murray moved to reconsider the vote adopting the amendment proposed by Mr. Thomas.

Which motion prevailed.

The question then being on the adoption of the amendment,

It was not adopted.

Mr. Test moved that the rules be suspended and the bill be considered as engrossed, and read a third time.

The ayes and noes were demanded by Messrs. Hunt and Studabaker.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Lowe, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Test, Thomas, Trusler, Turner, Usry, Weir, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Buskirk, Cotton, Davis, Hunt, Humphreys, King of Madison, Lemmon, Lewis, Lowe, Montgomery, Peyton, Schoonover, Shanks, Shull, Studabaker, Sturgis, Tanner, and Usry—18.

So the rules were suspended, the bill was considered as engrossed, and ordered to be read a third time.

The bill was then read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hester, Hillyer, Hudson, Huffstetter, Hume, Jeter, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Trusler, Turner, Weir, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Buskirk, Cotton, Davis, Essex, Harryman, Lemmon,

Lewis, Lowe, Montgomery, Peyton, Schoonover, Shanks, Shull, Sturgis, Tanner, and Usry—16.

So the bill passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Humphreys, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 93, have had the same under consideration, and a majority of said committee have directed me to report the same back with the following amendments, and when so amended, recommend its passage:

Senate bill No. 93. A bill to establish a bank with branches.

Amendments:

SEC. 58. Add to section 58 the following words:

No rates shall be issued of denominations between five and ten, or ten and twenty, or twenty and fifty, or fifty and one hundred dollars; nor shall more than one-sixth of the notes issued to any branch be of denominations less than five dollars, and no notes shall be issued of any denomination less than one dollar.

SEC. 83. Strike out all the words in section 83 after the word 'branch,' (in 17th line printed bill,) and insert these words: "Until at least fifty thousand dollars shall have been paid into such branch upon the subscriptions for its stock."

Strike out the whole of sections 84, 85, 86, 87, 88, and 100—being all that part of the bill which relates to the purchase of the States' stock in the present State Bank of Indiana.

These sections being stricken out, the new bank, if established, will have no connection whatever with the States' interest in the present bank.

The report was concurred in, and amendments adopted.

The amendments were ordered to be engrossed.

On motion by Mr. Newcomb,

House bill No. 97. A bill to provide for the listing of the stock and other property of railroad companies, and for the collection of taxes thereon,

Was taken up.

The bill was read a third time.

Mr. Buskirk moved to refer to a select committee, with the following instructions:

To provide that where the capital stock does not represent the value of the road, the road itself shall be taxed;

Which motion prevailed.

Messrs. Buskirk, Sanford, Frazer, Branham and Hillyer were appointed said committee.

Mr. Cotton obtained leave and introduced the following resolution:

Resolved, That the committee on the judiciary report back to this House to-morrow morning Senate bill No. 57;
Which was adopted.

On motion by Mr. Hervey,
The House adjourned till seven o'clock P. M.

7 o'clock, P. M.

The House met pursuant to adjournment.

On motion by Mr. Ellis,

Senate bill No. 133. A bill to fix the commencement of the terms of certain county officers, and to render the same uniform,
Was taken up.

The bill was read a first time and passed to a second reading.

House bill No. 52. A bill to prohibit profanity, with the following amendment of the Senate, was taken up, to-wit:

Amend House bill No. 52, by striking out "fourteen years" and inserting "eighteen years;"

Which amendment was concurred in by the House.

House bill No. 108. An act to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court;

Which was returned with the following engrossed amendment of the Senate:

Amend by striking out the word "filed" where it occurs in the 5th line, section 3, and insert in its place the word "decided;"

Was taken up, and the amendment was concurred in by the House.

House bill No. 122. A bill to amend the 9th section of an act regarding estrays and articles adrift;

Was reported back to the House with the following engrossed amendment of the Senate:

Amend the section amended:

1. By striking out the word "and," in 16th line.
 2. After the word "fee," in the 17th line, insert the following: "And five cents for every mile that is necessary for him to travel in making said return."

3. Strike out all after the word "auditor," in the 22d line.

Which amendments were concurred in by the House.

House bill No. 77, was taken up.

Engrossed amendments of the Senate to engrossed bill of the House,

No. 77. An act to fix the time of holding courts of common pleas, &c.

1. Amend section 32 by striking out "fourth Mondays in January, April, July and October," and inserting "second Mondays, in February, May, August and November."

2. Amend section 54, 2d line: Strike out the word "first" and instead thereof insert the word "second."

3. Amend section 75, by inserting before the word "October," the words "third Monday of."

4. Amend section 80, by striking out the second line, and the three first words of the third line as follows, to-wit: "First Mondays in January, April, July and October," and insert instead thereof the words "third Mondays of March, June, September, and December."

5. Amend section 89, by striking out the words, "fourth Mondays in January, April, July and October," and insert instead thereof the words, "first Mondays in March, June, September and December."

7. Amend section 80, by striking out all after the first line and insert the following: "third Mondays in January, April, July and October and shall sit as long as the business thereof may require."

8. Amend the fourth line of section 88, by striking out the word "two," and insert instead thereof the word "three."

9. Amend section 89, second line, by striking out the word "fourth," and insert the word "first."

10. Amend 41st section by striking out the word "two," and inserting "three."

11. Amend 82d section. Strike out "two" and insert "three."

12. Amend by changing the times of holding the court in the county of Jefferson, from the third Mondays in February, May, August and November, to the first Mondays in same months.

13. Amend 53d paragraph. In the county of Morgan on the 2d Mondays in January, April, July and October, and shall sit two weeks at each term.

14. Amend as follows: the courts in the county of Carroll shall

be held on the second Mondays in March, June, September and December, and shall sit two weeks if the business require it; in the county of Clinton, on the Mondays succeeding the courts in the county of Carroll, and shall sit two weeks if the business require it: *Provided*, That at the first terms of said courts under this act, the court in the county of Carroll shall commence on the first Mondays in April, and in the county of Clinton on the third Monday in April.

The foregoing amendments of the Senate to House bill No. 77. A bill to fix the time of holding the courts of common pleas and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto, were read and concurred in separately.

The first amendment was concurred in.

The second amendment was concurred in.

The third amendment was concurred in.

The fourth amendment was concurred in.

The fifth amendment was concurred in.

The sixth amendment was concurred in.

The seventh amendment was concurred in.

The eighth amendment was concurred in.

The ninth amendment was concurred in.

To the tenth amendment, Mr. Lowe moved to concur in, by striking out the "third Mondays," and inserting the "fourth Mondays," as the times of holding courts in the county of Warrick.

Which was agreed to.

The eleventh amendment was concurred in.

The twelfth amendment was,

On motion by Mr. Buskirk,

Concurred in.

The thirteenth amendment was concurred in.

The fourteenth amendment was concurred in.

Ordered, That the Clerk inform the Senate thereof.

Senate Bills on First Reading.

No. 180. A bill supplemental to and amendatory of an act, entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and for the suppression of intemperance,"

Was read a first time and passed to a second reading.

No. 164. A bill to provide for the settlement of claims of the lessee of the State Prison,

Was read a first time and passed to a second reading.

No. 165. A bill to prevent the fraudulent issue of stocks,

Was read a first time and passed to a second reading.

Mr. Buskirk moved to take from the table

House bill No. 205. A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th, 196th, 194th sections, and to repeal section 99th of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Which motion prevailed.

Said bill was taken up, read a second time and ordered to be engrossed.

Senate Bills on First Reading.

No. 80. A bill to authorize the transfer of stocks to the State Bank of Indiana or to her for the use of a branch, by a failing debtor or other person when the same becomes necessary to prevent loss,

Was read a first time and passed to a second reading.

No. 140. A bill to provide for the government and discipline of the State Prison,

Was read a first time and passed to a second reading.

No. 152. A bill defining the amount of property that shall be omitted by executors and administrators in making out inventories.

Was read a first time and passed to a second reading.

Mr. McConnell moved to suspend the order of business.

Which did not prevail.

No. 158. An act to amend an act to incorporate the Madison Marine Insurance Company, approved January 11th, 1849,

Was read a first time and passed to a second reading.

No. 176. A bill to amend section 386 of an act providing for the election and prescribing certain duties of county surveyors, approved June 17th, 1852,

Was read a first time and passed to a second reading.

No. 185. A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the building should be used for seminary purposes only or for seminary purposes and town or public meetings,

Was read a first time and passed to a second reading.

No. 177. A bill to legalize the organization of railroad companies and election of directors thereof in certain cases,

Was read a first time and passed to a second reading.

House bill 105. A bill to amend section twenty-second of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852,

Was taken up.

Engrossed amendment of the Senate to said bill is as follows:

Nineteenth. Said board of trustees, shall have power to levy and collect annual taxes not exceeding thirty cents on the hundred dollars valuation, on all property subject by law to taxation, for the support of town schools within their said corporation.

Which amendment was concurred in by the House.

Senate bill No. 188. An act to amend section 99 of an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county and township treasurers and auditors, and the Auditor and Treasurer of State, and to provide for the collection of delinquent taxes,

Was read a first time and passed to a second reading.

Senate bill No. 184. An act to provide for the empanneling of juries when the sheriff shall fail to, or improperly empannel the same.

Was read a first time and passed to a second reading.

Senate bill No. 159. A bill to change the time of holding courts in the eleventh judicial circuit.

Was read a first time.

Mr. Ellis moved to amend section 1 by striking out the word "first," in the fifth line, and insert "second,"

Which was adopted, and the bill passed to a second reading.

Mr. Meredith, chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means have directed me to report the following bill, making specific appropriations for the year 1855, and recommend its passage:

No. 235. A bill making specific appropriations for the year 1855.

Which was read a first time, and passed to a second reading.

Mr. Bonner moved to suspend order of business and take up

Senate bill No. 139. A bill to provide for the election of the officers for the State Prison, and for the appraisement of the property at said prison.

Which motion prevailed.

The bill was read a second time.

Mr. Bonner moved to amend the bill as follows:

Amend by striking out section 1, and inserting the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be elected, by joint ballot, of the General Assembly of the State of Indiana, at its present session, three directors of the State Prison; they shall severally take an oath or affirmation faithfully to discharge the duties required of them. Of the three directors to be elected by this General Assembly, the first and second that are elected shall hold their office for the term of four years from the first of March, 1855; the third for the term of two years from the first day of March, aforesaid. And after the first election of directors, as the term of office of any director shall expire, his successor shall be elected for the term of four years; and in case a vacancy should happen in the office of director from death, resignation, or otherwise, the Governor may appoint a person to fill such vacancy; and the person so appointed shall qualify in manner hereinbefore provided; and shall hold his appointment until the legislature shall elect a person to fill his place during the remainder of his term, and the directors shall hold their office until their successors are elected and qualified.

Which motion prevailed, and the amendment was adopted.

Mr. Bonner offered the following amendment:

Amend by striking out section 7, and inserting the following:

SEC. 7. Inasmuch as this act contemplates the election by the present General Assembly, of directors for the government of the the Indiana State Prison, therefore an emergency is declared to exist, and this act shall be in force from and after its passage.

Which was adopted.

The amendments were then ordered to be engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 100, 119, 154, 145, and 68 with the engrossed copies thereof, and find the same correctly enrolled.

Message from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed bill thereof:

No. 67. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities.

In which the concurrence of the House is respectfully requested.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 218, and compared the same with the original copy thereof, and find that the same has been correctly engrossed

Messages from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 113. A bill to provide the mode of trial, forming the issues, taking depositions, rights of challenge to jurors in suits involving the descent of real estate, the distribution of personal property, moneys or choses in action of an intestate, where there are defendants claiming adverse interests, and to regulate the practice as between such defendants and in such cases.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 133. A bill to fix the commencement of the terms of certain county officers and to render the same uniform.

Also,

No. 148. A bill for the collection of a surplus revenue and other school or trust funds, and making county auditors and county treasures competent witnesses in suits for the collection of the same,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 167. A bill to cede to the United States jurisdiction over lands in Michigan city for a light house and harbor.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof:

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills.

Also,

No. 129. A bill to amend section 2 of an act prescribing and defining the powers and duties of constables.

In which the concurrence of the House is respectfully requested.

The following message was received from the Governor, by Mr. King, his Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills:

No. 167. An act to amend the fifth and sixth sections of an act entitled "an act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter:" approved February 5, 1852.

No. 160. An act to amend the act entitled "an act authorizing the construction of plank, macadamized, and gravel roads," and to empower the same to make sale of a portion of their road.

Which bills originated in the House of Representatives.

Messages from the Senate by Mr. Turman their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 185. A bill to provide for the leasing of county seminaries where they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House

No. 77. A bill to fix the time of holding the courts of common pleas and the length of terms thereof in the several counties in this State, and repealing the former laws in reference thereto;

With sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House.

No. 105. A bill to amend section 22, of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852,

With one engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bills of the House.

No. 100. A bill to amend section 540 of an act, entitled "an act to revise, simplify, and abridge the rules, practice pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, and to provide for changing the docketing justices judgments from the execution to the judgment docket of the court of common pleas.

No. 54. A bill to cure defects in the execution of deeds, or in the certificates of acknowledgement to conveyances of real estate in certain cases therein named.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in engrossed amendments of the House to engrossed bills of the Senate

No. 76. A bill to amend section 3 of an act, for the regulation of weights and measures, approved June 9th, 1852.

No. 111. A bill for the incorporation of high schools, academies colleges, universities, theological institutions, and missionary boards.

No. 6. A bill for the protection of the Sabbath.

MR. SPEAKER:

I am directed by the Senate to inform the House of Represen-

tatives, that the Senate has passed the following engrossed bill thereof:

Senate bill No. 56. Entitled "an act to provide for the election of United States Senator;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz:

No. 122. A bill to amend the 9th section of an act regarding estrays and articles adrift, approved June 16th, 1852, so as to entitle justices to receive mileage in making returns of sale, with sundry engrossed amendments of the Senate thereto;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 108. A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the supreme court, with one engrossed amendment of the Senate thereto;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof viz:

No. 176. A bill to amend sections 3 and 6 of an act providing for the election and prescribing certain duties of county surveyors, approved June 17th, 1852.

No. 177. A bill to legalize the organization of railroad companies, and election of directors thereof, in certain cases;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 179. A bill fixing the time of holding the circuit courts in the fifth judicial circuit;

In which the concurrence of the House is respectfully requested.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa

tives, that the Senate has passed the following engrossed bill of the House, viz :

No. 52. A bill to prohibit profanity, with one engrossed amendment of the Senate thereto ;

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, the following engrossed bills of the House :

No. 157. A bill providing for an investigation of the affairs of the Madison and Indianapolis Railroad Company, authorizing a compromise therewith if deemed of advantage to the State, and providing for the payment of said Company's floating and unfunded debt, and of certain debts of the Columbus & Shelby Railroad Company, and empowering said M. & I. R. R. Co. to receive, hold, and transfer stock in the C. & S. R. R. Co.

No. 12. A bill to amend an act, entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17th, 1852.

No. 146. A bill to authorize the commissioners of the sinking fund to adjust the unsettled account between the State of Indiana and the Merchants' Bank in the city of New York, and to pay \$5,716 90 due with interest.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, to-wit :

No. 180. A bill supplemental to, and amendatory of, an act, entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and for the suppression of intemperance.

No. 184. A bill to provide for the empanneling of juries, when the sheriff shall fail to or improperly empanel the same.

No. 102. A bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens and prescribing the punishment therefor.

No. 188. A bill to amend section 99 of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, prescribing the duties of as-

sessors, appraisers of real property, county auditors and treasurers and the Treasurer and Auditor of State, and to better provide for the collection of delinquent taxes.

No. 171. A bill to regulate conductors and engineers of railroads, requiring them to run to time tables, and penalty upon failure so to do.

No. 189. A bill to repeal the law fixing the time of holding courts in the 7th judicial circuit and fixing the time of holding courts in said circuit.

In which the concurrence of the House is respectfully requested.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled House bill No. 92, with the engrossed copy thereof of the same number and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined enrolled bill of the House No. 160 and have compared the same with engrossed bill of the same number and find the same correctly enrolled.

Message from the Governor, by Mr. King, executive messenger:

EXECUTIVE DEPARTMENT, IND.,
Indianapolis, February 28, 1855. }

Gentlemen of the House of Representatives:

I call your attention to the fact that there is no law now in force prescribing the time for holding the circuit courts for the counties of Delaware and Blackford. If no provision is made at this session, now near expiring, no courts can be held in either of those counties.

Most respectfully submitted,

JOSEPH A. WRIGHT.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined bills No. 74, 193, 200, 202, 203, 208, and 213, and find the same correctly engrossed.

Mr. Lowe, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 150, 149, 120, 153, 61, 170, 163, 127, and 140 with the engrossed copies thereof and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill of the House No. 167 with the engrossed copy thereof and find the same correctly enrolled.

Mr. Hudson obtained leave and introduced the following resolution:

Resolved, That the clerk, assistant clerk, the door-keepers, and the chairman of each committee report to this House the full amount of days that any of their assistants and clerks have been in actual service during this session, so that the full amount due them, and each of them, may be determined by this House and put in the specific appropriation bill.

Which was adopted.

On motion by Mr. Wilson,
The House adjourned till 8½ o'clock to-morrow morning.

THURSDAY MORNING, 9 o'clock, }
 March 1st, 1855. }

House met pursuant to adjournment.

On motion by Mr. Hillyer,

The reading of the journal of yesterday was dispensed with, and so it was adopted.

Mr. Coen presented a petition from Samuel W. Ritchey, on the subject of the election of United States Senator,

Which,

On motion by Mr. Coen,

Was laid on the table.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 192, entitled an act to suspend an act entitled "An act to adjust the Gibson township claim, and providing for the payment of the judgment of the Vincennes University against the State by issuing State bonds therefor," approved February 13, 1855, have had the same under consideration and beg leave to report the same back to the House, and ask to be discharged from the further consideration of this subject.

Which report was concurred in.

The bill was ordered to be engrossed.

Mr. Hadsell, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of Samuel Howard, of Switzerland county, for services in arresting a fugitive from justice from the State of Kentucky, under requisition of the said State, have had the same under consideration and have directed me to report that they do not consider the said claim as just against the State of Indiana, but, in our judgment, should be paid out of the treasury of the State of Kentucky, and your committee ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Essex, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the memorial of H. P. Thornton, together with the documents accompanying said memorial—your committee have, according to order, had the same under consideration, and report that said Thornton, in the absence of the regular prosecuting attorney, did, by appointment of the court, prosecute the pleas of the State in the Lawrence Circuit Court at the March term, 1854, and asks that an allowance may be made for the same. Your committee respectfully report that by the 5th section of the act entitled “an act to provide for the election and duties of prosecuting and district attorneys,” approved June 11th, 1852, a compensation and manner of payment is, by said section, provided. Your committee, therefore, report that further legislation is unnecessary, and ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Gordon, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 184: A bill to authorize county treasurers to refund to tax payers special school tax in certain cases, have had it under consideration and have directed me to report the same back to the House with the following amendment, and recommend its passage:

Amend by striking out of section I the word ‘1853.’

The report was concurred in, and the amendment adopted.

The bill was ordered to be engrossed.

BILLS INTRODUCED.

Mr. Gilham introduced bill No. 237. A bill to create the 14th judicial circuit and to fix the time of holding courts therein, and in the 10th judicial circuit.

Which was read a first time and passed to a second reading.

Mr. Clark, of Tippecanoe, introduced

Bill No. 238. A bill to provide for the construction of a furnace and the necessary apparatus for heating the State House.

Which was read a first time, and passed to a second reading.

Mr. Tanner introduced

Bill No. 239. A bill transferring the duties of county and town

agents to county auditors, and authorizing them to demand and sue for the books, bonds, notes, and conveyances belonging to their agencies, and authorizing them to make conveyances in certain cases.

Which was read a first time and passed to a second reading.

The following message was received from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in engrossed amendments of the House to engrossed bills of the Senate.

No. 46. A bill in relation to plank, McAdamized, tram, and gravel road companies.

No. 112. A bill appropriating \$5,000 per annum for the purpose of colonization, and to give additional power to the State Board of Colonization.

No. 115. A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor.

No. 134. A bill to repeal section 50, chapter 10, of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

No. 138. A bill to fix the time of holding the circuit courts in the 9th judicial circuit.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in engrossed amendment of the House to engrossed amendments of the Senate to engrossed bill of the House,

No. 93. A bill to amend an act, entitled "an act to authorize and regulate the business of general banking."

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has receded from engrossed amendments of the Senate numbered 11, 12, 13, 14 and 16, to engrossed bill of the House,

No. 87. A bill regulating the fees of officers, and repealing former laws in relation thereto.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bills Nos. 177 and 183, and engrossed House joint resolution No. 23, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 206 and compared the same with the original copy thereof, and find that the same have been correctly engrossed.

Mr. Clark of Rush, made the following report from the committee on engrossed bills:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed amendments of the House to Senate bill No. 93, and compared them with the original, and find that the same has been correctly engrossed.

Senate Bills on Second Reading.

No. 144. A bill to authorize the Governor to contract for the completion of the cells and cell-house at the State Prison, and appropriating a sum of money for the same,

Was read a second time and passed to a third reading.

No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers,

Was read a second time and passed to a third reading.

No. 97. A bill authorizing county recorders and county surveyors to issue fee bills,

Was read a second time and passed to a third reading.

House bill No. 234. An act to amend an act entitled, "an act fixing the per diem and mileage of the members of the General Assembly, secretaries, and door keepers,

Was read a second time.

Mr. Murray moved to amend by striking out \$5 as the per diem of members, and insert \$4.

Which motion prevailed.

Mr. Murray moved to amend by striking out third section of the bill.

Which motion prevailed.

Mr. Hester moved to strike out \$4 and insert \$3.

On motion by Mr. Test,

The bill and amendments were laid upon the table.

Senate bill No. 132. A bill in relation to the assessment of damages against railroad companies,

Was read a second time and passed to a third reading.

On motion by Mr. Test,

House bill No. 205. A bill to amend the 6th, 22d, 28th, 79th, 96th, 119th, and 194th sections, and to repeal section 99, of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurer and auditor, and of the Treasurer and Auditor of State; approved June 21st 1852, and to provide for the assessment and taxation of free banks, bankers, stock jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies, whose taxation is not specifically provided for;

Was taken up.

Mr. Buskirk moved that the bill be considered engrossed, and read a third time.

Which motion prevailed.

The bill was read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, McConnell, McCord, McFarland, McMurry, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Carnahan, Gordon, Hester, Hume, Hunt, King of John-

son, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Miller, Montgomery, Schoonover, Shull, Studabaker, Sturgis, Tanner, Walpole, Weir, and Wilson—22.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry moved to suspend the order of business and take up

Senate bill No. 58. A bill to amend the 24th, 31st, 33d, and the 37th sections of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17th, 1852.

Which motion prevailed.

The bill was read a third time.

And the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Frazer, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Walpole, Weir, Wilson, Wheeler, and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Clark of Rush, Fouts, Gifford, Peden, and Peyton—5.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Newcomb moved to suspend the order of business and take up

Senate bill No. 54. A bill to amend the first section of an act approved May 13, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities."

Which motion prevailed.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hunt, Jeter, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Wilson, Wheeler and Mr. Speaker—69.

Those who voted in the negative were.

Messrs. Carnahan, Hester, Humphreys, Hunt, King of Johnson, King of Madison, McClure, McFarland, Montgomery, Peden, Smith of Perry, Test, Usry, and Weir—15.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 209. A bill for the relief of William, Mary, Jane, Nancy, and Eliza McConahay, step-children of Jonas B. Wood of Daviess county, have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

On motion by Mr. Hudson,

House Joint Resolution No. 3. A joint resolution in relation to the subject of slavery in the territories of Kansas and Nebraska, was taken up.

Mr. Test moved to lay the joint resolution on the table.

Which motion did not prevail.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden,

Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd Trusler, Turner, Wilson, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Gordon, Hargrove, Hester, Hudson, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, Milier, Montgomery, Peyton, Schoonover, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Usry, Walpole, Weir, and Wheeler—36.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Murray,
Senate bill No. 93. A bill to establish a bank with branches.
Was taken up.

The bill was then read a third time.

Mr. Clark, of Tippecanoe, moved to recommit the bill with the following instructions:

Amend the 91st section of the bill by striking from the third line the words 'and a half,' and from the fifth line the words 'three times,' and insert 'twice,' and from same line 'and the,' and from the sixth line the words 'amount of deposits.' Said section then reads as follows:

SEC. 91. The board of directors of the bank of the State of Indiana may, from time to time, authorize the several branches, or any of them, to extend their discounts to any amount, the average of which, for each fiscal year, shall not exceed their deposits twice the capital stock actually paid in, but never shall exceed that proportion, and such discounts shall never exceed twice the amount of the capital actually paid in; the power being still reserved by the board of directors of the bank to restrict the branches in their discounts to once and a quarter the amount of the capital paid in at its discretion, and in case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their individual and private capacities, in an action of debt against them, or any of them, in any court competent to try the same, by any of the creditors of said bank, or the bank itself, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said land, or the lands, tenements, goods, chattels, money, or effects of the same, from being also liable for, and chargeable with, such excess; and any director, or directors, who may be absent when such excess is created or con-

tracted, or who may have dissented from the resolution or act, whereby the same was created or contracted, may respectively exonerate themselves from being so liable by causing or requesting, in writing, at the time, his or their dissent to be entered on the minutes of the board, and by forthwith giving notice of his or their absence, or dissent, to the Governor of the State, and to the stockholders by giving notice thereof in some newspaper published near said bank or branch.

Mr. Walpole offered the following amendment to the instructions:

Amend the 2d section by striking out the names of the present commissioners and insert the following named persons: David H. Colerich, of the city of Fort Wayne; Newton Claypool, of Fayette county; Elijah S. Cooper, of Hancock county; Thomas A. Hendricks, of Shelby county; Joseph E. McDonald, of Montgomery county; Henry B. Hill, of Rush county.

Mr. Walpole moved that the bill and amendments be indefinitely postponed.

On motion by Mr. Brazelton,
The House adjourned till 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hillyer asked and obtained leave, and presented a claim from Thomas Akers.

On motion by Mr. Hillyer,

The claim was referred to the committee on claims without reading.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution of the Senate, viz:

No. 10. A joint resolution to distribute to Allen county fifty copies Revised Statutes.

In which the concurrence of the House is respectfully requested.

HJ-48.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof :

No. 174. A bill authorizing railroad, plank road, and turnpike road, and macadamized road companies to close up their business, and dissolve their organization.

No. 187. A bill to amend section 96, of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz :

No. 121. A bill to provide for the re-location of county seats, and for the erection of public buildings in counties, in cases of such re-location.

With one engrossed amendment thereto,

In which the concurrence of the House is respectfully requested

The following message was received from the Senate by Mr. Turman, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed without amendment engrossed bill of the House

No. 212. A bill to raise a revenue for State purposes for the years 1855 and 1856.

House bill No. 216. A bill for the better support and management of the Indiana Institute for the education of the blind, and repealing the former act in reference thereto ;

Was taken up and read a third time.

The question then being,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpauqh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Usry, Weir, Wilson, Wheeler and Mr. Speaker—83.

Those who voted in the negative were,

Messrs. Spotswood, and Walpole—2.

So the bill passed.

Mr. Newcomb moved to amend the title as follows :

An act for the preservation and collection of the trust and other funds of this State, and to provide for the substitution of mortgages and prescribing the punishment of officers who may loan a greater amount of said funds than is authorized by law.

Which was adopted.

The title as amended was adopted.

Ordered, That the Clerk inform the Senate thereof.

Message from the Governor, by Mr. King, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 61. An act to amend the 71st section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21st, 1852, so as to authorize assessors to correct errors in assessment of real estate.

No. 149. An act to provide for the sale of saline lands remaining unsold.

No. 153. An act prohibiting adult persons wagering or gaming with minors, and prescribing that such adult, on conviction, shall be fined and imprisoned in the common jail, and making such minor a competent witness, and absolving the minor from all liability for such gaming and wagering in case the minor is a witness against such adults as may be charged.

No. 119. An act to provide for the punishment of persons interfering with trains on railroads.

No. 154. An act to cure defects in the execution of deeds, or in the certificates of acknowledgement to conveyances of real estate in certain cases therein named.

No. 100. An act to amend sec. 540 of an act entitled "an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852, and to provide for changing the docketing justices' judgments, from the execution to the judgment docket of the court of common pleas.

No. 140. An act to authorize the election of church wardens and vestrymen, and defining their powers and duties.

No. 92. An act to provide for the issuing certificates in cases of the casual destruction of outstanding State bonds, and of duplicates in cases of the casual destruction of State certificates of stock.

No. 68. An act providing for the trial of causes in the several circuit courts, in cases in which the circuit judge is interested, or related to either of the parties; also providing for the holding of terms or days or parts of terms of such courts when such judge is absent or unable to attend, and repealing sections three and four of chapter four, of the second volume of the Revised Statutes of 1852.

No. 145. An act to legalize, confirm, and declare valid all sales of real estate, all settlements of decedents estates, and any and all acts done by any person, officer, corporation, or association of persons, which may have been done in conformity with any amendatory act passed during the thirty-seventh session of the General Assembly of the State of Indiana.

No. 127. An act to amend the five hundred and ninety-sixth section of chapter first and article twenty-ninth of the Revised Statutes of 1852, and entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in

the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.

No. 150. An act to authorize county commissioners, in their respective counties, to sell the lands in which the surplus revenue fund, belonging to the common schools, has been invested, and to reinvest the proceeds.

No. 170. An act to authorize educational corporations to borrow money and secure the same by mortgage, and to increase or diminish the number of their directors or trustees.

No. 163. An act to amend the fifty-fourth section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

No. 157. An act providing for an investigation of the affairs of the Madison and Indianapolis railroad company, authorizing a compromise therewith, if deemed of advantage to the State, and providing for the payment of said company's floating and unfunded debt, and of certain debts of the Columbus and Shelby railroad company, and empowering said Madison and Indianapolis railroad company to receive, hold, and transfer stock in the Columbus and Shelby railroad company.

No. 120. An act to amend the 21st section of "an act prescribing the duties of justices of the peace in State prosecutions," approved May 29th, 1852, and to enable justices to obtain mileage in making returns.

No. 146. An act to authorize the commissioners of the sinking fund to adjust the unsettled accounts between the State of Indiana, and the Merchant's Bank in the city of New York, and to pay five thousand seven hundred and sixteen dollars and ninety cents due with interest.

No. 108. An act to provide for issuing fee bills and executions against sureties on appeal bonds in the Supreme Court.

No. 122. An act to amend the 9th section of "an act regarding estrays and articles adrift," approved June 16th, 1852, so as to entitle justices to receive mileage in making return of sale.

Which bills originated in the House of Representatives.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 184 and find that the same has been correctly engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 122, 146, 157, and 108, with the engrossed copies thereof and find the same correctly enrolled.

Message from the Senate, by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill, thereof, viz:

No. 170. A bill to provide for the incorporation of medical societies and for the promotion and diffusion of correct medical knowledge.

No. 183. A bill to require the Governor to cause to be published monthly lists of appointments to office, pardons granted, and fines and forfeitures remitted by him.

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, viz:

No. 157. A bill legalizing the proceedings of the boards of county commissioners at special or called sessions thereof.

No. 162. A bill to amend the 15th, 18th, and 35th sections of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17th, 1852, and to repeal

sections 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, and 38 of said act, and also to repeal sections 13, 14, and 18 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, engrossed bill of the House:

No. 161. A bill for the preservation and collection of the trust funds of this State, and to provide for substitution of Mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution thereof, viz:

No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same

In which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bill of the House, viz:

No. 80. A bill requiring written briefs to be filed in the Supreme Court.

Mr. Smith of Perry, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred resolution of the House instructing them to report a bill authorizing the Treasurer of State to borrow money to meet the accruing interest upon the State debt, have had the same under considera-

tion, and direct me to report that there is a law now on the statute book giving authority to the Governor, Auditor, and Treasurer of State to procure loans in case of any deficiency, and therefore ask to be discharged from any further consideration of the subject.

Which report was concurred in.

Senate bill No. 151. A bill relating to the State University, supplemental to and amendatory of an act, entitled "an act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs by lessening the number of its board of trustees and limiting the expenses of managing its funds.

Was read a third time.

House bill No. 161. A bill for the preservation and collection of the trust and other funds of the State, and to provide for the substitution of mortgages;

Was read a third time.

Mr. Walpole moved to refer the bill to a select committee, with the following instructions:

To legalize the law between the original parties and their heirs:
Which were not adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Stenben, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Jeter, King of Johnson, King of Madison, Landers, McConnell, McFarland, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Usry, Weir, Wilson, Wheeler and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Gordon, Hargrove, Hume, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, McMurry, Miller, Montgomery, Peden, Schoonover, Sturgis, Tanner, Trusler, and Walpole—26.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

At the last adjournment, the question being on the passage of

Senate bill No. 93. A bill to establish a bank with branches,
Mr. Walpole moved to postpone the bill indefinitely.

Mr. Hall of Warren moved the previous question;

Which was not seconded by the House.

Mr. Thomas moved the previous question;

Which was not seconded by the House.

The question being, on the indefinite postponement of the bill,

Messrs Humphreys and Meredith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Brothwell, Clark of Jasper, Clark of Tippecanoe, Cotton, Crozier, Essex, Frazer, Hadsell, Hargrove, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, Miller, Shanks, Shryock, Shull, Studabaker, Tanner, Walpole, and Wilson—30.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Humphreys, Lewis, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Smith of Lagrange, Spotswood, Stanton, Sturgis, Tackett, Test, Todd, Trusler, Turner, Usry, Weir, Wheeler, and Mr. Speaker—57.

So the bill was not indefinitely postponed.

Mr. Meredith moved a division of the question.

The question being on re-committing the bill to the committee with instructions,

Messrs. Test and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Brazelton, Brothwell, Buchanan, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Essex, Frazer, Gilham, Gwinn, Hadsell, Hargrove, Hudson, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McCord, McClure, McFarland, McMurry, Merrifield, Miller, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tanner, Thomas, Walpole, and Wilson—48.

Those who voted in the negative were,

Messrs. Bonner, Branham, Burnett, Buskirk, Cain, Clark of Rush, Clark of Union, Dickerson, Dunn, Ellis, Fouts, Gifford, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Humphreys, Lewis, McConnell, Malick, Mellett, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Sturgis, Tackett, Test, Todd, Trusler, Turner, Usry, Weir, Wheeler, and Mr. Speaker—40.

So the bill was re-committed.

Mr. Walpole offered the following instructions :

Strike out section 96 and insert the following ;

“ The General Assembly reserves the right to amend or repeal this act, whenever it shall deem that the public interests require it; and also, the right to require the establishment of additional bank districts and branches, a majority of the branches consenting to such new districts and branches.”

The question being on the adoption of the instructions :

Mr. Gilham moved to re-consider the vote on re-committing the bill to the committee.

Messrs. Studabaker and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dunn, Ellis, Fouts, Gifford, Gilham, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Humphreys, Lewis, McConnell, McCord, Malick, Mellett, Meredith, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Stanton, Sturgis, Tackett, Test, Trusler, Turner, Usry, Weir, Wheeler, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Brazelton, Buchanan, Carnahan, Clark of Jasper, Clark of Tippecanoe, Cotton, Crozier, Dickerson, Essex, Frazer, Hadsell, Hargrove, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, McMurry, Merrifield, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tanner, Thomas, Walpole, and Wilson—38.

So the vote was reconsidered.

The question then being shall the bill be re-committed to the committee,

Messrs. Walpole and Smith of Perry demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Brazelton, Brothwell, Buchanan, Carnahan, Clark of Jasper, Clark of Tippecanoe, Cotton, Crozier, Dickerson, Essex, Frazer, Hadsell, Hargrove, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, McMurry, Miller, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tanner, Thomas, Walpole, and Wilson—38.

Those who voted in the negative were,

Messrs. Alden, Bonner, Branham, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Dunn, Ellis, Fouts, Gifford, Gilham, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Lewis, McConnell, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Stanton, Sturgis, Tackett, Test, Todd, Trusler, Turner, Usry, Weir, and Wheeler—51.

So the bill was not so committed.

Mr. Studabaker moved to lay the bill on the table.

The question being on laying the bill on the table,

Messrs. Walpole and Studabaker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Brothwell, Buchanan, Carnahan, Clark of Jasper, Clark of Tippecanoe, Crozier, Essex, Hadsell, Hargrove, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, Miller, Shanks, Shull, Smith of Perry, Spotswood, Tanner, Thomas, Walpole, and Wilson—29.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Cotton, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Lewis, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shryock, Stanton, Studabaker, Sturgis, Tackett, Test, Todd, Trusler, Turner, Usry, Weir, Wheeler, and Mr. Speaker—57.

So the bill was not laid on the table.

Mr. Hall of Warren moved the previous question ;

Which was seconded by the House.

The question being, shall the main question now be put?

It was so decided by consent.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, Humphreys, Lewis, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenaugh, Peden, Peyton, Sidwell, Sims, Smith of Lagrange, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Usry and Weir—51.

Those who voted in the negative were,

Messrs. Alden, Brothwell, Buchanan, Carnahan, Clark of Jasper, Clark of Tippecanoe, Cotton, Crozier, Essex, Frazer, Hadsell, Hargrove, Hume, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McFarland, Miller, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Walpole, Wilson and Mr. Speaker—39.

So the bill passed.

Mr. Studabaker moved to amend the title as follows:

A bill creating a moneyed monopoly, with seven heads and ten horns, to swindle the people ;

Which was not adopted.

Ordered, That the clerk inform the Senate of the passage of said bill.

On motion by Mr. Murray,

The House adjourned till 7 o'clock, P. M

7 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Frazer obtained leave and introduced

Bill No. 240. A bill to define the mode of issuing patents to the purchasers of swamp lands;

Which was read a first time and passed to a second reading.

Senate bill No. 133. A bill to fix the commencement of the terms of certain officers, and to render the same uniform;

Was read a second time, and ordered to be engrossed.

House bill No. 225. An act to authorize appeals to the supreme court from the judgment of the court of common pleas in cases of contempt;

Was read a second time, and ordered to be engrossed.

Mr. Fouts moved to amend by inserting, "or circuit," after the words "supreme court;"

Which was adopted.

Senate bill No. 189. A bill to repeal the law fixing the time of holding courts in the seventh judicial circuit, and fixing the time of holding courts in said circuit;

Was read a second time.

On motion by Mr. McConnell,

House bill No. 195. A bill making an appropriation to aid in the erection of a monument on the Tippecanoe battle-ground, and providing a plan for the same;

Was taken up.

Mr. McConnell moved that the bill be considered as engrossed, and read a third time on to-morrow;

Which motion did not prevail.

Senate joint resolution No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same;

Which was read a first time and passed to a second reading.

Senate joint resolution No. 10. A joint resolution to distribute to Allen county fifty copies revised statutes :

Was read a first time and passed to a second reading.

Senate bill No. 178. An act to provide for the election of State Printer by the people;

Was read a second time.

Mr. Spotswood moved to amend by striking out "two years" in first section, and inserting "four years;"

Which was adopted.

Mr. Peden moved to amend by inserting after State Printer these words: "State Agent, State Librarian, State Bank Director, Canal Trustee, and Warden of the State Prison."

Which was not adopted.

The amendment was ordered to be engrossed.

Senate bill No. 232. An act to amend sections 9, 62, and 75, of an act entitled "an act for the incorporation of cities," approved June 18th, 1852,

The bill was read a second time, and ordered to be engrossed.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bills Nos. 192 and 293, and compared them with the original copies thereof, and find that the same have been correctly engrossed.

On motion by Mr. Smith of Perry,
House bill No 121 was taken up.

A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location, with the following engrossed amendment of the Senate: "strike out 'three-fifths,' and insert 'two-thirds,' in the first section."

The question being upon the adoption of the amendment by the House,

It was adopted.

On motion by Mr. Clark of Tippecanoe,

Senate bill No. 185. A bill to provide for the leasing of county seminaries when they have been erected upon lands conveyed upon a condition that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings,

Was taken up, read a second time and ordered to be engrossed.

On motion by Mr. Shanks,

House bill No. 74. A bill to regulate the taking of appeals from the courts of common pleas and from justices of the peace;

Was taken up and read a third time.

On motion by Mr. Buskirk,

The bill was laid upon the table.

Mr. Wilson moved to take up

Senate bill No. 177. A bill to legalize the organization of railroad companies and election of directors thereof in certain cases; Which motion prevailed.

The bill was read a first time and ordered to be engrossed.

On motion by Mr. Dunn,

House joint resolution No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co. against the State, and report the testimony in relation thereto to the next General Assembly,

Was taken up, read a second time, and ordered to be engrossed.

Mr. Bonner moved to suspend the rules, and read Senate bill No. 140, by its title.

No. 140. A bill to provide for the government and discipline of the State Prison.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studalaker, Sturgis, Test, Thomas, Trusler, Turner, Usry, Weir, Wilson and Wheeler—74.

No one voted in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Hester offered the following amendment:

Amend by striking out securities in first section, and insert sureties.

Also, insert after 'directors,' in the 3d line of 1st section, the following; But not longer than four years from and after his appointment.

Which was adopted.

Mr. Smith, of Lagrange, offered the following amendment:

Amend by striking out section 21, and inserting the following, to-wit: The Warden may order solitary confinement to be in-

fllicted upon any prisoner when in his opinion it is necessary, subject, however, to the supervision of the directors.

Which was not adopted.

The amendment was ordered to be engrossed.

On motion by Mr. Meredith,

House bill No. 218. A bill making general appropriations for the years 1855 and 1856,

Was taken up and read a third time.

And the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buskirk, Clark of Tippecanoe, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hervey, Hunt, King of Johnson, King of Madison, McConnell, McCord, McClure, McFarland, Malick, Meredith, Merrifield, Newcomb, Peden, Sanford, Schoonover, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Test, Thomas, Turner, and Wheeler—47.

Those who voted in the negative were,

Messrs. Alden, Bonner, Buchanan, Carnahan, Coen, Cotton, Essex, Hall of Laporte, Hargrove, Hester, Hillyer, Humphreys, Landers, Lemmon, Lowe, McMurry, Peckenpaugh, Sims, Studabaker, Usry, and Weir—24.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Meredith,

House bill No. 218. A bill making general appropriations for the years 1855 and 1856,

Was taken up.

The question being,

Shall the bill pass?

On motion,

The House adjourned till to-morrow at 8½ o'clock, A. M.

FRIDAY MORNING, 8½ O'CLOCK, }
 March 2d, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Merrifield,

The reading of the journal was dispensed with, and so it was adopted.

Mr. Hester presented the following protest against the temperance law:

Protest of the minority of the members of the House of Representatives of the Indiana Legislature, against the passage of the Liquor Act:

It is wisely provided in our organic law, that "any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal." This is the last resort left a minority in the General Assembly, when an illiberal majority apply the previous question, to cut off debate and amendment. Nothing but it, then, can explain a vote which, otherwise, so far as the records of the country are concerned, is frequently liable to misconstruction. The undersigned find themselves in this predicament in connection with the passage of the temperance law of the present session. Containing forty-two sections, some of them of unusual length—provisions of the most despotic character, establishing rules of procedure in courts, and manufacturing testimony contrary to long acquiesced in principles of natural justice, and striking down constitutional barriers, which have hitherto been regarded essential to the preservation of human liberty, it was hurried through the Senate without debate. In the House it was taken up out of its order, and an ineffectual effort, defeated only by the constitution requiring a two-thirds vote, (which the fusionists had not the strength to give in the House,) to suspend the rules was made to read it a second time on the same day, though it was not to go into effect till the 12th day of June. On its second reading, the democratic members of the House proposed to amend by substituting a stringent law upon the subject, not obnoxious to the constitutional objections urged against the bill, when a fusionist obtained the floor, and, after indulging in sneers at the old line democracy of the Senate, and exhortations to his own political brethren to stand by the bill, and permit no amendments, moved the *previous question*, which the fusion majority sustained, thus cutting off reply to the mover's reflections upon

the democracy, debate upon the merits of the bill, and all attempts to amend it. But, while our voices cannot be heard upon the floor of the House in explanation of our opposition to this great infraction of the fundamental law of the State, the journal of its proceedings shall not be silent in that behalf.

The history of the late canvass in this State, so far from indicating that the majority of the people thereof desired such a law, evidences the very opposite. No proposition similar to it was submitted to them. In truth, when leading democratic papers proposed to submit the question to the people at the ballot-box, directly, the ultra temperance men objected, preferring rather to trust to the complication of issues to insure the election of members to the General Assembly suited to their purposes. Reference to the resolutions of the different parties upon this subject, and the disposition made of them, establishes this beyond controversy.

On the 12th of January, 1854, the temperance men, in convention in this city, resolved "that no prohibitory law will satisfy the temperance sentiment of this State, which does not contain the principles of *seizure, confiscation, and destruction* of liquors kept for illegal sale."

On the 24th of May following, the Democratic State Convention, resolved "that intemperance is a great moral and social evil, for the restraint and correction of which legislative interposition is necessary and proper: but that we cannot approve of any plan for the eradication or correction of this evil that must necessarily result in the infliction of greater ones; and that we are, therefore, opposed to any law, upon this subject, that will authorize the searching for, or *seizure, confiscation, and destruction* of private property."

In these resolutions, was presented an issue, which was to have been submitted to the people at the ballot-box, when an accurate understanding of the popular will concerning it would have been had. But there were other elements of opposition to the democratic party, which could not be induced to act in concert with ultra-temperance men upon their platform. Impelled by a common object, the overthrow of the democratic party, and the attainment of power, the various antagonistic elements were *fused* into one faction, which, in State convention, on the 13th of July, 1854, presented, on the temperance question, the following unique resolution, under which every shade of opinion might be conveniently sheltered:

"*Resolved*, That we regard intemperance as a great political, moral, and social evil—a legitimate subject of legislation—and that we are in favor of the passage of a judicious, constitutional, and efficient prohibitory law, with such penalties as shall effectually suppress the traffic in intoxicating liquors as a beverage."

This resolution met the approbation of the fusion party, composed in part of the ultra-temperance men. After its adoption, "search, seizure, confiscation, and destruction," ceased to be re-

garded as topics of the canvass, except when they were opposed by democratic candidates.

The election resulted in the choice of a fusion majority. That majority stood upon the platform of the 13th of July, the one of the 12th of January having been abandoned. In voting for them, the people looked to the former and not to the latter, which had been repudiated. This proposition cannot be denied. Otherwise, why the necessity of the change from the definite and positive language of the one, to the vague, uncertain terms of the other?

The assertion, therefore, that the people of the State, in the late election, demanded such a law as has been passed at this session, is falsified by the record. They have been deceived and their rights outraged. How badly, can better be appreciated by a brief review of the act itself.

1st. The sale of ale, porter, malt beer, lager beer, cider, and all wines, except by the agent appointed by the commissioners, is prohibited, and he is permitted to sell these articles, only for mechanical, medicinal, chemical, and sacramental purposes. Cider and wine are graciously allowed to be sold by the manufacturer only, in quantities not less than three gallons, when the fruits from which they are made are grown and gathered in the State. No person but the agent can sell a quantity of any of these beverages less than three gallons, not even for medicinal purposes. No matter what the emergency, the application must be made to the agent, and if there is no agent in the county, none can be procured without incurring the penalties of the law, unless of an agent in an adjoining township or city.

Every philanthropist is willing to yield up a very large share of his conveniences for the sake of the general good of society. But he has a right to be convinced that his concessions are necessary. Can it be maintained that cider is so obnoxious to the welfare of society, as to require the absolute abandonment of its use, or to surround its continuance with vexatious restrictions?

2d. No one is permitted to manufacture spirituous or intoxicating liquors, except he first obtain permission from the county commissioners and gives bond with approved surety not to sell the same contrary to law. But the purchasers of the article by them manufactured are limited to the agents. Outside of them the manufacturer can have no customers.

3d. The county commissioners are to appoint at least two persons in each township, who *shall* be provided with the necessary funds out of the *county treasury*, for the purchase of spirituous and intoxicating liquors. These agents, called *officers* in the act, are required to give bond, and under the constitution will have to take an oath of office. Yet, certain of the free electors of the State are rendered incapable of holding the office thus created, because of their pursuits in life, though these are recognized as honorable and are protected by law. "No inkeeper, or keeper of a public eating house, boarding house, grocery, oyster shop, fruit store, bar

room, confectionery, or other place of public entertainment; or the keeper of or interested in any theater, museum, or other place of public resort; or captain, commander, agent, clerk, or servant of or on any vessel, boat, or water craft of any kind, shall be appointed such agent. Public policy, we are told, dictates this wholesale proscription of honest occupations. But permit it in this instance, and in how many others may it not be as appropriately applied? The application of the principle would create castes in society, growing out of business pursuits, the baneful effects of which can scarcely be imagined.

Temptations peculiar to their occupations, we are told, would the more likely induce these proscribed persons to violate the act, than any other class. With the same propriety might it be said that no merchant should be elected treasurer of the county because he might be tempted to invest the public funds in his business. The temptation is as strong in the one as in the other.

Why is a butcher more apt to observe a law he is sworn to support than the keeper of a boarding house? The prohibition extends to the *person* following, not against the *place* where the occupation is followed. So that the proscription reaches to the person who, for instance, keeps a place of public resort in one community, and lives in another. He is not even permitted to hold the office of agent in the community where he resides. Not the dignity of the office gives importance to this objection, but the violation of a principle fundamental to our form of government. An occupation, before it can deprive its follower of the right, *per se*, to hold office, must first be declared unlawful.

The constitution of the State declares that the "General Assembly shall not grant to any citizen or class of citizens privileges or immunities, which upon the same terms shall not equally belong to all citizens." It may be said the proscribed citizen may abandon his calling and then be eligible. But it will be remembered this constitutional provision is directed to citizens in their various lawful avocations as they are, not as they might be. It is intended to prevent the necessity of a change of occupation. Otherwise, it would be meaningless and inoperative. So well established is the principle that the Legislature possesses not the power to proscribe unusual qualifications for office, that the constitution expressly permits it to render ineligible persons convicted of infamous crimes.

4th. Our constitution wisely provides a separation of the State from corporate or individual enterprises. Past experience demonstrates the impropriety of such connection. Under the benign operation of this provision, and the legislation of the last ten years in part tending to that end, simplicity in the management of the affairs of the State was beginning to take the place of cumbrous and complicated machinery. But the enactment of this law has introduced new functions of government. Each county, in her corporate capacity, is to determine, through sworn officers, when a citizen needs spirituous or intoxicating liquors, and whether he

possesses the requisite moral character, and is then to furnish it to him according to law. But the agent has first to be satisfied upon the question of character. From his decision there is no appeal. If he refuse, the application must be made, if made at all, either to some other agent of the county, or to one in an adjoining city, or township in a contiguous county. If there shall be none such, or they shall all refuse, there is no other resort but in violation of law. The purchase cannot be made by a second for the first person. The agent is, therefore, emphatically to sit in judgment over the moral characters, appetites and physical condition of the people, being governed only by such testimony and principles of equity as may suit his whims.

The act admits a necessity of spirituous and intoxicating liquors, and yet creates a monopoly of their sale. The agent is forbidden to sell these liquors at more than 25 per cent. advance. But who is to prescribe the cost of the first purchase? That may be exorbitant, and yet the buyer must pay the profit. Competition is driven out of the business. If men are so corrupt that they cannot be trusted with the office, because of their lawful occupations, nor be permitted to act as jurors because they habitually drink cider, it will not surely be denied that the agent might not by *private* agreement, pay *higher* than the market price, and then divide the profits with the wholesale dealer? True, the people need not buy of this agent. But if they do not, and the stock remains unsold, who loses? The county furnishes the funds, and she, therefore loses. And, if there be no other agent convenient, and the people feel constrained on that account to buy of the one so fraudulently purchasing, they are compelled to submit to the imposition.

The act requires the agent to keep an account of all his purchases and sales, the date, quality, kind, price, &c., and the name of whom purchased, and to whom sold, &c., and to report these facts to the commissioners, every three months. What strange combinations of powers and duties! Government prescribes when an article shall be used, and then dictates its price. Why not apply the principle underlying the act to the traffic in coffee, tea and tobacco, and various species of drugs? Their imprudent use is attended with incalculable evils. If it is in the province of government to enact sumptuary laws in the one instance, it is in the other. Why not then push the functions of the law making power to the extremity of legislation, and make man the creature, not the creator of government? Free institutions permit to man the largest share of individuality compatible with the good of community, while the absolutisms deprive him of all the arm of power can reach and control. Yet, a free people, rigidly adhering to laws prescribed by a power, acting under formal regulations, may be oppressed by their operation until their repeal is obtained according to the prescribed method. From that oppression there could be no other escape, but by revolution. To guard against such calamities, when free governments are formed, the people concede

a part, and withhold a part of their natural rights, and the uninterrupted enjoyment of the latter, is carefully guarded by an organic and paramount law. Can it be maintained that the right to eat and drink what one chooses, provided its exercise does not molest society, is surrendered up to the influence of legislation? The end is not yet. Further encroachments will be made upon man's liberty. After while, in order to protect society against infidelity, it may be declared a crime not to profess Christianity, and after that again, orthodoxy may require undivided allegiance. The spirit of innovation is restless, and its advancements progressive. It always comes in the guise of philanthropy, and yet, alas! too frequently leaves behind it the foot-prints of tyranny.

5th. The manufacturer and agent have each to give bond in a penalty of not less than two thousand dollars. In case of a breach of its condition, no matter how trivial, the whole penalty is to be recovered. No palliation—no extenuating circumstances—nothing in mitigation can be adduced. Shylock demands his pound of flesh, and we very much mistake a liberal public sentiment, if the attempt to enforce the act in this particular, will not, in most instances, prove abortive.

6th. The act provides that proof of finding the liquor specified in the complaint, in possession of the accused, "in any place, except his private dwelling house, or its dependencies, (or in such dwelling house or its dependencies, if the same be a tavern, public eating-house, grocery, or other places of public resort,") is to be taken as presumptive evidence that the liquor is kept for illegal sale. This presumption of law he must remove by exculpating evidence. This rule cannot be justified by the case of counterfeit money, or counterfeiting apparatus. Spirituous and intoxicating liquors may be applied to various uses permitted by the act; the other articles can not. The possession of the one may be reasonably expected by a law abiding people, while possession of the other is always regarded as accompanying the felonious intent.

If the possessor be a tavern-keeper, the possession of the liquor, even in his own dwelling-house, and for lawful purposes, raises the presumption of the law against him. The moment his dwelling-house ceases to be a tavern, the rule changes, and no explanation is demanded.

7th. Whenever three persons of good moral character, residents of the county, shall file their verified complaint, "that any spirituous or intoxicating liquor is owned or kept in said county, in any place, particularly describing the premises, by any person, whose name shall be stated, and is intended for illegal sale, a warrant is to issue for a thorough search of the place and seizure of the liquor and the vessels containing it. That search may be extended to any dwelling-house in which, or part of which, a tavern, store, grocery, business office, shop, boarding or victualing house, or public room of any kind is kept," and to all other tenements where the occupier thereof shall have been convicted "of

having sold intoxicating liquors in a dwelling, or *suffered it to be done*, within six months next preceding the issue of the warrant." Our constitution provides that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure, shall not be violated." This provision is a concession wrung from despotism by the force of arms. It is intended to protect the citizen in the quiet enjoyment of his own house, his own domestic sanctuary, as well as his person from insult—to render the dwelling-house the castle of its occupant. So important has it seemed to the projectors of modern free governments, that a prominent place in their Bill of Rights has been awarded it. If it receive a strict construction its protection is ample. But if it be construed according to the caprice of every agitator in the world of reform, it affords no security and virtually becomes a dead letter. How does it comport with the section of the act in question.

Is the search "unreasonable?" The thing to be searched for may be cider, beer, wine, &c. The place to be searched may be a dwelling house, even though the occupant be not engaged in any business proscribed in the act. If there be a tavern, store, boarding house, grocery, business office, victualing office, or *public room of any kind*, in any part of the building, the whole premises may be searched. No matter how dissimilar the pursuits, habits, and position in society of the different inmates, because of the supposed sins of one, every nook and corner must be exposed to the impudent curiosity of a constable and his posse. Not a spot is sacred. The out-house, cellar, pantry, bureau, closet, cradle, bridal-couch, all—all may be subjected to the surveillance. Every bolt must be unbarred, and every door thrown open.

In justification of this outrage upon the proprieties of life, and the grossest violation of that feeling of delicacy which shrinks within the hitherto sacred walls of one's own dwelling house, we are referred to the instance of search-warrants for stolen property. How widely dissimilar the cases, how miserable the sophism predicated upon the alleged resemblance! In the one the article is charged to have been stolen, and the premises to be searched to contain them. Out of the necessity of the case the rule grows. Otherwise there would be little security against larceny. The possession of stolen goods, is never necessary, and is often strong proof of the guilt of the possessor. The possession of spirituous and intoxicating liquors is in many instances recognized by the act, as necessary, and in the section under consideration, they need not be charged as stolen. The law only presumes them to be forfeited because they are alleged to be kept for illegal sale.

If courts, in their desire to pander to inflamed and misguided zeal for reformation can reconcile this provision with the constitution, what security against unreasonable search is left the citizen? If the legislature can proscribe one article of diet, it surely can another. Nor can we solace ourselves with the assurance that

such will not be done. The world is alive with propositions for reform, and if their advocates get into power (and who can now assure himself they will not?) further innovations will be made. The act, in requiring the affidavit of three citizens, before the warrant can issue, affords little protection. Zeal for the propagation of reforms carries their votaries to extremities. They may even act conscientiously. The Jews when they crucified Christ, the mob who cheered the executioners of the bloodiest *auto da fe*, and the judges who condemned to death decrepid old men and women as witches might have been honest. But society has a right to security against the passions and prejudices of inatuated bigots. That security is given to the people of Indiana in our constitution, if it receive the construction it merits by a judiciary not infected with the prevalent mania, and not awed by the threats of fanatics.

8th. The constitution provides "that no man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation is first assessed and tendered." But the act declares that spirituous and intoxicating liquors, in which property may be had, may be forfeited and destroyed by condemnation of law. Which shall prevail? What subtleties are to reconcile the conflict?

9th. Startled, as we must be, at these alarming innovations, what are our emotions when we read in the 24th section of the act, that "no person who shall, at the time, be an habitual drinker of intoxicating drinks, or who shall have been engaged in the unlawful manufacture or sale of intoxicating liquor, or who shall have kept any intoxicating liquor for unlawful sale, shall, within one year thereafter be a competent juror in the trial of any prosecution under" the act? In the first section, the terms "intoxicating liquors," as used in the act are defined to mean cider, ale, porter, beer, wines, &c. So that he who habitually uses either of these articles, no matter how irreproachable his character, or sound his judgment, is incompetent to act as a juror to try any case arising under the act. We forbear expressing the full extent of our indignation at this great infraction of the fundamental principles of our form of government. Courtesy to our fellow members, who voted for the act, requires it. But a betrayed people, now rousing up to a consciousness of the dangerous hands to whom they have committed the important trust of legislation, cannot be so readily appeased.

10th. The act forbids a trial of the right of property, or writ of replevin, in case of seizure. If the owner of the articles seized be even a woman, a minor, or absent at the time, nothing but an appeal is permitted.

11th. Whenever final judgment is given against the State concerning the property seized, the county must pay the costs of seizure, carriage, safe keeping, and return of the liquors, and the fees of officers, jurors and witnesses. A door is thus drawn open to the county treasury to constables and other officers. If the prosecution fail, the county pays the costs. The inducement to prosecute upon mere suspicion is strong, and among a people, whose

Legislature proscribes a very large portion of the citizens of the State because of their business pursuits subjecting them to temptations to do wrong, it will not be denied that even a constable or other officer, may follow a ter—just a little—the scent of gain. What a consolation to an officer short of funds? But, what a grievous burden to a tax-ridden people, first compelled to furnish means to buy the liquor, and then to pay the expenses of the failure of the prosecution!

12th. "No spirituous or intoxicating liquor is to be given away, in any tavern, boarding house, public eating house, grocery, oyster shop, store, bar-room, confectionary, or other place of public entertainment; or in any theater, museum, or other place of public resort; or on any steamboat, or other craft carrying passengers." If a person in a hotel, or on a steamboat were suddenly attacked by cholera, or other disease, for which spirituous or intoxicating liquor is a remedy, neither the proprietor, or any one else, can give or sell him a drop. No one can do so but the legally authorized agent, without incurring the penalties of the law.

We, therefore, protest against the passage of the act, because it is not the expressed will of the people of the State; because it was crowded through the House, without opportunity being granted the minority except in two instances, to *offer* amendments to it, or to expose its manifold defects and outrages; because it is in several of its leading features a palpable violation of the constitution; because it bankrupts one, and disfranchises another very large portion of the people of the State; because the punishments it inflicts are in many instances excessive; because it establishes new rules of evidence at war with justice and in derogation of the dearest rights of the citizen; because it encourages and legalizes an odious system of espionage; because it regards men depraved in consequence of their avocations in life, though they are protected therein by law, in every civilized community; because it undertakes to legislate for men's appetites; because it creates monopolies; because it introduces complicated machinery in the county government, unnecessarily tending to deplete its treasury; because it constitutes courts with power to determine questions of appetite and character, upon no prescribed regulations, and allowing no appeal from the decision of the judge, whose whim is the law; and because its spirit and essence are tyrannical.

Having done all in our power to prevent its passage, we, the undersigned, Old Line Democrats, and National Whigs of the House, appeal from the decision of its members to that last court of appeals in a free government, the people at the ballot-box, with the confident assurance that their verdict will sustain our opposition:

J. M. King,
S. P. Lowe,
D. Usry,
John Hargrove,
T. A. McFarland,

F. R. A. Jeter,
Thomas Essex,
John Crozier,
David I. Davis,
John S. Martin,

John S. Cotton,
D. S. Lewis,
E. D. Logan,
J. D. Montgomery,
A. G. Alden,
Noah Miller,
Thomas Clark,
Thomas King,
John Hunt,
W. T. Shull,
John Lemmon,
S. D. Williamson,

James H. Weir, N. W.
John J. Peyton, N. W.
Charles E. Sturges,
Samuel H. Buskirk,
James S. Hester,
A. Humphreys,
Thos. D. Walpole,
David Huffstetter,
Wm. Gordon,
J. S. Tanner,
Nimrod Landers,
M. T. Carnahan,

Joel Hume.

Mr. Hudson presented the following protest against the passage of the joint resolution No. 2, on the subject of slavery in the territories of Kansas and Nebraska:

Protest on the passage of the Slavery Resolutions.

The undersigned, members of the House of Representatives, respectfully submit this as their protest to the passage of joint resolution No. 2, which are as follows:

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives in Congress requested, to vote and use their influence to procure the amendment of "An act to organize the Territories of Nebraska and Kansas," approved May 13th, 1854, so that slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the party shall have been duly convicted, shall be forever prohibited therein.

Be it further resolved, That if before such an amendment can be procured, either of those Territories, or any part thereof, shall apply for admission into this Union, with a constitution tolerating human slavery, then our Senators are instructed and our Representatives requested to resist, by their votes and influence, the admission of such State, until she shall so amend her constitution as to forever prohibit slavery or involuntary servitude therein, otherwise than for the punishment of crime.

Be it further resolved, That our Senators are instructed and our Representatives requested, to advocate the return of this Government to its original policy, by using their votes and influence to secure the application of the Jeffersonian Ordinance of 1787, to all Territories now possessed by the United States, or which may hereafter be acquired.

We think the resolutions go too far—much further than the Republican party of this State desire to do—go further than, in our judgment, the people whom we represent wish to go—further than representatives in an American Legislature should go—and further than we, as individuals, feel any inclination to go.

While we would do much to accommodate the wishes of individual members of the House—much to advance the interest of the great Republican party, which in our judgments is destined to eventually control the legislation of every State in this Union, while we would sacrifice much to promote those ends, we must be permitted to pause and inquire, if the ends promoted are equal to the sacrifice made.

The question of human slavery is one of great moment with the American people—one of exciting interest, and perhaps of fearful consequences. No principle in the government of these States, or in the General Government is debated with so much enthusiasm, and about which there is such a diversity of opinion.

The *agitator*, boiling over with good intentions, looks alone to *success*, as the crowning obligation he owes his country—the *Abolitionist*, filled with the one great thought, sees nothing but the future equality and freedom of *his colored friend*—while the American statesman, taking a more comprehensive view, sacrifices his individual desires and wishes upon the altar of his common country, for his country's good.

The undersigned were much astonished upon the engrossment of those resolutions, by the fate of the following amendment then proposed by Mr. Stanton, viz: "That our Senators in Congress be instructed and our Representatives requested to use their influence to prevent the admission of any more slave States into this Union."

To this amendment the Republican party of the House, almost to a man, gave their opposition—and so furious was their opposition, that out of *sheer kindness* we have no doubt, the member from Wayne withdrew it—and well he did, for if it had been added to the series, it would have presented the anomaly, of *two* joint resolutions passed at the same time, different, 'tis true, in language, but in substance precisely the same. If this House is able to point out the difference between the *third* resolve and Mr. Stanton's amendment, they possess much keener discriminating powers than any of the undersigned.

We are of the opinion if you extend the ordinance of 1787 *over all the territories now passed by the United States, or which may hereafter be acquired*, you have then most effectually settled the question that no more "slave states can be admitted into the Union."

We would willingly vote for this *third* resolve did it not go farther than the platform of July 13th. But we are not willing to take this leap in the dark—give our votes to extend the influence of a law over territory that in the remote future may be acquired by our country—commit ourselves and our constituents perhaps fifty years in advance. Who can tell what circumstances may surround the American statesman, when he may be called on to determine whether the ordinance of 1787 shall extend over territories *hereafter acquired*—the Sibilline leaves have not yet passed before

our visions, and we feel more inclined to adopt the maxim from the good book. "sufficient for the day is the evil thereof."

We are opposed to the second resolve—we are opposed to this repeated agitation in our national councils on the question of slavery, to our minds it is strengthening more and more—binding tighter and tighter the chains that now hold in thralldom the colored man; we are willing to stop the *advance* of slavery by all honorable and consistent means, but at the same time wish, as American citizens, to put a stop to those periodic whirlwinds, that come up from the South and stir to its center the popular feeling of the North—we wish to stop this exciting of sectional jealousies, this continued weakening of the iron bands that now bind together as one this Union of States, and while we recognize no geographical lines that contra-distinguishes an American citizen, still we know that there is a *North*, and we ought to learn that there is a *South*.

The following are the resolutions the undersigned are willing to support—which go as far as the platform erected by the Republican party of July 13th, 1854, and which we intended to offer as a substitute for those passed by this House, had we been permitted thus to do.

WHEREAS, It is the opinion of this General Assembly that Congress has the undoubted power to legislate for all the territories, belonging to the General Government; and

WHEREAS, The repeal of the Missouri Compromise was, in our judgment, unjust, unwise and uncalled for by the people of the United States; and

WHEREAS, In our opinion, the institution of slavery ought not to be introduced into territories secured by virtue of that compromise; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress requested to vote, and use their influence to place every branch of the Federal Government in the hands of men who will assist the rights of freedom, observe the Missouri Compromise, and refuse, under all circumstances, to tolerate the extension of slavery into territories secured to freedom by that compromise.

And be it further Resolved, That we are uncompromisingly opposed to the extension of slavery, and our Senators are instructed, and our Representatives in Congress are requested, to use all honorable and consistent means to prevent its further extension; therefore,

Be it further Resolved, That the Governor be and he is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

T. D. Fouts,
N. Peckenpaugh,
R. N. Hudson,

James H. McConnell,
James McMurry,
W. H. Gifford.

RESOLUTIONS INTRODUCED.

Mr. Lowe obtained leave, and introduced the following resolution :

Resolved, That the thanks of this House be tendered to the Hon. David Kilgore, Speaker of the House of Representatives, for the able, courteous, and impartial manner in which he has presided over the House, during the present session of the General Assembly.

Which was adopted.

Mr. Newcomb obtained leave, and introduced the following resolution :

WHEREAS, The General Conference of the Methodist Episcopal Church, consisting of about two hundred members, will hold its next quadrennial session in this city, in the months of May and June, 1856; AND WHEREAS, it has been represented to us that it would be an accommodation to said body to secure the use of a few large committee rooms of sufficient size to accommodate their larger committees, therefore

Resolved, That we tender said conference the use of our Hall, and committee rooms, during their session, and hereby instruct the librarian to grant them the use thereof.

Which was adopted.

Mr. Hunt obtained leave, and introduced the following resolution :

Resolved, That the committee on the judiciary return to this House, bill No. 134;

Which was adopted.

Mr. Newcomb moved to suspend the order of business in order to take up

Joint resolution No. 15. A joint resolution to amend the 2d section of the 2d article of the constitution of the State of Indiana.

Which motion prevailed.

The accompanying report from the committee on the judiciary was read and concurred in.

Mr. Newcomb moved that the joint resolution be considered as engrossed, and read a third time;

Which motion prevailed.

Mr. Newcomb moved a call of the House;

Which motion prevailed.

The clerk proceeded to call, when the following members answered to their names:

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson, Wheeler and Mr. Speaker—55.

On motion by Mr. Newcomb,

A further call was suspended.

The joint resolution was read a third time.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

■ Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Essex, Hargrove, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, Miller, Schoonover, Shull, Studabaker, Sturgis, Tanner, Usry, Walpole, and Weir—29.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Joint resolution No. 16. A joint resolution to amend the 9th section of the 2d article of the constitution of the State of Indiana, Was read a third time,

Mr. Brazelton moved to re-commit with instructions to strike out the thirteenth article of said constitution.

Mr. Murray moved to lay the joint resolution and instructions on the table

The question being shall the joint resolution lay on the table?

Messrs. Stanton and Brazelton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Branham, Buchanan, Buskirk, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hargrove, Harryman, Hester, Hume, Humphreys, Hunt, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Meredith, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peyton, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Perry, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Usry, Weir, Wilson, Wheeler, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Beach, Bonner, Brazelton, Burnett, Cain, Hadsell, Jeter, Mellett, Merrifield, Peden, Sanford, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, and Turner—19.

So the joint resolution was laid on the table.

Joint resolution No. 17. A joint resolution to amend the 9th section of the 4th article of the constitution of the State of Indiana,

Was read a third time.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brothwell, Burnett, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Harryman, Hervey, Hudson, McConnell, Meredith, Merrifield, Monks, Murray, Newcomb, Sanford, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Thomas, Todd, Turner, Wilson, Wheeler, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Bonner, Brazelton, Buchanan, Buskirk, Carnahan, Clark of Jasper, Clark of Union, Crozier, Davis, Ellis, Essex, Gwinn, Hall of Warren, Hargrove, Hester, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe,

McCord, McClure, McFarland, McMurry, Malick, Martin, Meredith, Miller, Montgomery, Peckenpaugh, Peden, Peyton, Schoonover, Sidwell, Sims, Shull, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Test, Trusler, Walpole, and Weir—44.

So the joint resolution did not pass.

Joint resolution No. 18. A joint resolution to amend the 21st section of the 4th article of the constitution of the State of Indiana, Was read a third time.

The question then being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Warren, Harryman, Hervey, Hillyer, McConnell, McCord, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Peyton, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Thomas, Todd, Trusler, Turner, Wheeler, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Alden, Beach, Carnahan, Clark of Jasper, Crozier, Essex, Hadsell, Hester, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McMurry, Peden, Schoonover, Shull, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Usry, and Wilson—30.

So the joint resolution did not pass for want of a constitutional majority.

Mr. Murray moved to lay the remaining joint resolutions on the table, which are as follows:

No. 19. A joint resolution to amend the 23d section of the 4th article of the constitution of the State of Indiana.

No. 20. A joint resolution to amend the 23th section of the 4th article of the constitution of the State of Indiana.

No. 21. A joint resolution to amend the 29th section of the 4th article of the constitution of the State of Indiana.

No. 22. A joint resolution to amend the 1st section of the 8th article of the constitution of the State of Indiana.

Which motion prevailed.

So the joint resolutions were laid upon the table.

Mr. Buskirk obtained leave and introduced the following resolution:

Resolved, That the Senate be requested to return to the House, House bill No. 77, with the engrossed amendments of the Senate and House thereto.

Which was adopted.

Mr. Brazelton introduced

Joint resolution No. 26. A joint resolution to repeal the 13th article of the constitution of the State of Indiana,

Which was read a first time.

Mr. Murray moved to reject the resolution.

Messrs. Brazelton and Smith of Lagrange demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Cain, Carnahan, Clark of Jasper, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Frazer, Gifford, Hall of Laporte, Hargrove, Harryman, Hester, Hillyer, Hume, Humphreys, Hunt, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, McMurry, Malick, Miller, Montgomery, Peckenpaugh, Peyton, Schoonover, Shull, Studabaker, Sturgis, Tanner, Usry, Walpole, Wilson, and Wheeler—43.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Warren, Hervey, McConnell, McCord, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Thomas, Todd, Turner, and Mr. Speaker—35.

So the joint resolution was rejected.

Mr. Frazer moved to suspend the order of business and take up

Senate bill No. 151. An act relating to the State University, supplemental to, and amendatory of, the second section of an act entitled "An act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof, approved June 17th, 1852, and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs, by lessening the number of its board of trustees, and for limiting the expenses of managing its funds."

Which motion prevailed.

The question then being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Buchanan, Buskirk, Cain, Carnahan, Clark of Tippecanoe, Davis, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hume, Landers, Lewis, Logan, Lowe, McConnell, McCord, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Perkenpaugh, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Spotswood, Stanton, Sturgis, Test, Thomas, Todd, Trusler, Turner, Usry, Weir, Wilson, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Bonner, Brazelton, Clark of Rush, Clark of Union, Cotton, Crozier, Dickerson, Hall of Warren, Hunt, Jeter, King of Madison, Lemmon, Miller, Peden, Shull, Smith of Lagrange, Studabaker, Tackett, and Tanner—21.

So the bill passed.

Mr. Buskirk moved to amend the title as follows:

Amendment to the title of Senate bill No. 151.

An act relating to the State University, supplemental to, and amendatory of, the second section of an act entitled "An act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17, 1852, and for securing a more economical administration of its affairs by lessening the number of its board of trustees, and limiting the expenses of managing its funds; and to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same, and to provide for the sale of forfeited lands.

Which was so amended.

The title, as amended, was adopted.

Ordered. That the clerk inform the Senate thereof.

Mr. Sims moved to suspend the order of business and take up

House bill No. 192.

Which motion prevailed.

An act to suspend an act entitled "An act to adjust the Gibson township claim, and providing for the payment of the judgment of

the Vincennes University against the State, by issuing State bonds therefor," approved February 13th, 1855,

Was taken up and read a third time.

On motion by Mr. Newcomb,

A call of the House was ordered.

The Clerk proceeded with the call, and the following members answered to their names:

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Buskirk, Carnahan, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hume, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tacket, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Walpole, Weir, Wilson, and Mr. Speaker—77.

On motion by Mr. Studabaker,

The further call was suspended.

Mr. Buskirk moved to indefinitely postpone the bill.

The question being on the indefinite postponement,

Messrs. Trusler and Meredith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Branham, Buskirk, Clark of Tippecanoe, Davis, Hall of Laporte, Hall of Warren, Hargrove, Hester, Humphreys, Landers, Lewis, McConnell, McCord, McFarland, Malick, Meredith, Miller, Montgomery, Murray, Peden, Peyton, Sanford, Schoonover, Sidwell, Smith of Perry, Stanton, Tanner, Test, Todd, Walpole, and Weir—30.

Those who voted in the negative were,

Messrs. Bonner, Brazelton, Buchanan, Burnett, Carnahan, Clark of Rush, Clark of Union, Coen, Cotton, Crozier, Dickerson, Ellis, Essex, Fouts, Frazer, Gwinn, Hadsell, Harryman, Hervey, Hillyer, Hume, Humphreys, Hunt, King of Madison, Lemmon, Logan, Lowe, McClure, McMurry, Merrifield, Monks, Newcomb, Peckenpaugh, Sims, Shanks, Shryock, Spotswood, Studabaker, Sturgis, Tackett, Thomas, Trusler, Turner, Walpole, Wilson, Wheeler, Mr. Speaker—45.

So the bill was not indefinitely postponed.

Mr. Carnahan moved the previous question,
Which was seconded by the House.
The question then being,
Shall the main question be now put?
It was so decided by consent.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Brazelton, Burnett, Carnahan, Clark of Rush, Clark of Union, Cotton, Crozier, Dickerson, Dunn, Earl, Ellis, Frazer, Gwinn, Hadsell, Hall of Laporte, Hervey, Hillyer, Hume, Hunt, King of Madison, Lemmon, Logan, Lowe, McClure, McMurry, Malik, Merrifield, Monks, Newcomb, Peckenpaugh, Sims, Shanks, Shryock, Smith of Lagrange, Studabaker, Sturgis, Tackett, Thomas, Trusler, Turner, Walpole, Wilson, and Wheeler—40.

Those who voted in the negative were,

Messrs. Alden, Branham, Buskirk, Clark of Tippecanoe, Davis, Fouts, Gifford, Hall of Warren, Hargrove, Harryman, Hester, Humphreys, King of Johnson, Lewis, McConnell, McCord, McFarland, Meredith, Miller, Montgomery, Murray, Peden, Peyton, Sanford, Schoonover, Sidwell, Smith of Perry, Stanton, Tanner, Test, Todd—31.

So the bill did not pass for want of a constitutional majority.

On motion by Murray,

House bill No. 177. An act fixing the times of holding courts in the eleventh judicial circuit and the length of terms, and adding the county of Blackford, and repealing all acts in conflict therewith, was taken up.

On motion by Mr. Murray,

The bill was amended, by unanimous consent, by striking out "the county of Blackford" in the first section, and wherever it occurs in the bill and title, and all in relation thereto.

On motion by Mr. Ellis,

Senate bill No. 159. A bill to change the times of holding courts in the eleventh judicial circuit,
Was taken up, and read a third time.

Mr. Murray moved to refer the bill to a select committee.
Which motion did not prevail.
The question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Burnett, Carnahan, Clark of

Jasper, Clark of Tippecanoe, Cotton, Crozier, Dickerson, Dunn, Ellis, Frazer, Gifferd, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hargrove, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peden, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Walpole, Wilson and Wheeler—64.

Those who voted in the negative were,

Messrs. Bonner, Brazelton, Buskirk, Cain, Clark of Rush, Clark of Union, Coen, Fouts, Gwinn, Hall of Warren, Harryman, Jeter, Lowe, McCord, Murray, Peckenpaugh, Sanford, Smith of Perry, Stanton and Trusler—20.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Buskirk moved to take up

House bill No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto;

Which motion prevailed.

Mr. Buskirk moved to reconsider the vote concurring in the second amendment of the Senate thereto,

Which motion prevailed.

On motion by Mr. Buskirk,

The House refused to concur in the second amendment of the Senate.

Mr. Fouts moved to take up

Senate bill No. 164. A bill to provide for the settlement of claims of the lessee of the State Prison;

Which motion prevailed.

The bill was read a second time and passed to a third reading.

Mr. Hester moved to suspend the rule and read the bill a third time.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark

of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gwinn, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, King of Madison, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Todd, Wheeler, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Beach, Brazelton, Hunt, and King of Johnson—4.

So the rule was suspended and the bill read a third time.
The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, McConnell, McCord, McClure, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Wilson and Mr. Speaker—73.

Mr. Walpole voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Governor, by Mr. King, his Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to communicate to the House of Representatives the accompanying bill No. 93, which originated in that body together with his message in relation thereto.

Gentlemen of the House of Representatives :

I respectfully return to you bill No. 93, entitled "An act to amend an act to authorize and regulate the business of general banking," which originated in the House of Representatives, with a brief statement of the reasons for withholding my signature. I regret that so short a time has been allowed me for examining the bill, (it having been received by me at a late hour last night,) but I return it thus early in order to afford to the representatives of the people as much time for reconsidering its provisions as possible.

The most serious objection to the bill is the almost unlimited discretionary power which it confides to a single officer—the Auditor of State—such as the power at any time to change the stocks which are a security for the issues of a bank, the power to determine, in organizing a bank, the question of residence, the power to determine whether a good defence exists or not to a protested note—thus determining in effect whether the bank shall be wound up or not.

There is an ostensible effort, to be sure, to distribute the powers under the bill to the Governor, Auditor, and Secretary of State; but on examination it will be found that those powers which should be most narrowly watched are confided to the Auditor alone.

There can be no objection to the Auditor signing and registering the bills, but here his duties should cease. It is not good policy to confide a trust requiring so much judgment, so much reflection, so large a knowledge upon financial questions, and so delicate a caution at every step, to any one person, and especially to one, the onerous duties of whose office it is known are quite enough at least to engross the entire attention of any one man. An error of judgment, whether committed through ignorance, or haste, or incaution, is equally disastrous. Besides, while I have not the slightest reason to call in question the integrity of the late Auditor, or the present incumbent, yet it is not too much to say, that the vast interests which might be brought to bear upon an Auditor under the present law to secure a particular construction, or the doing or forbearing to do a particular act, might be well calculated to shake the integrity of any man who is not fortified by a more immovable virtue than usually falls to the lot of men.

It is proposed, however, by the present bill, to devolve a share of the responsibilities and labor of the system upon the Governor and Treasurer of State. To show the impolicy of this provision it is sufficient to say that the duties now imposed by law upon those officers are as great as they are able fitly to perform. To assume properly to discharge the duties imposed, would necessarily involve a neglect of some other of the public interests. It is not well to impose duties so great and multifarious upon any one officer.—There is a limit to those which he is able to perform or properly supervise, and when that limit is passed the duties have to be entrusted to others, who are not elected by and are irresponsible to the people.

The bill of 1852 was surely loose enough, but the construction given to it by the Auditor, and the power exercised under it by him, have abundantly satisfied me that nothing short of a separate Bank Department, having the custody of the securities, the bills, the plates, the dies, &c., will insure a system worthy of the slightest confidence of the people.

We have been sufficiently warned by the experience of the past two years, that where corporations have once obtained power, it is almost impossible by legislation to arrest the evils to which they give rise. An earnest effort was made in the Legislature two years ago to correct those evils in the free bank system, which were obvious to every reflecting person; yet nothing could be effected. And now again after the lapse of two years, during which period sharpers and brokers have literally been rioting upon the substance of the people, and after eight weeks labor of the people's representatives, a measure is offered which does not at all strike at the root of these evils; and which, in its effects, it is feared, will rather aggravate than allay, them. Owing to the general loss of confidence in the general free bank system, which has grown out of the shameless frauds which have been practiced under it, the evils which those banks are able to commit, have, to a considerable extent, been corrected by the general distrust of those institutions. But is feared that the present bank bill would increase those evils, by providing no sufficient safeguard against their recurrence, and by exciting confidence from being ushered in under the auspices of an effort to put an end to the causes of the present discontent.

By the present bill, stocks of every State and Territory of the United States at whatever price speculators and brokers may give them in New York are to furnish the basis of banking; and the scene is again to be renewed, of speculators and brokers seeking our State, to issue paper to circulate as money, and when the ripe moment arrives to depreciate the stocks upon which they are based, buy up their paper at a heavy discount and reap from the industrial classes of the State immense gains.

The experience of other States where a system of banking based upon public stocks has been tried, has demonstrated to them the insecurity resulting from the indiscriminate reception of all State stocks; and after the calamities of the past two years, it would be well for us to defer to that experience. In New York it is believed that no stocks are received as a basis for banking but those of that State and the United States.

If a like system were adopted by us, the intelligence of the people as to the resources and financial condition of the State, and indeed of the General Government, would furnish them a proper estimate of the worth of our State and United States stocks, and the value of the paper issued upon them would not be fluctuating according to the news received daily from Wall street.

In relation to the financial resources and condition of other States the people cannot generally acquaint themselves, and the value of

paper issued upon them must necessarily be affected by every day's transactions at the stock board at New York. In my judgment, too, the business of banking should be limited to our own citizens, so that the banker's personal character, and State pride, might be an additional safeguard against fraud. And it should be provided with the utmost precision, and under the sternest penalties, that the business of the banks should be transacted at the place where the bills are made payable.

It was competent under the law of 1852 for the Auditor to wind up any bank not doing business at the place where its bills were payable. Yet a majority never pretended to do so, from the commencement to the present day. The Legislature was respectfully urged by me in 1853 to direct by law that this class of banks should be thus wound up. That recommendation was earnestly renewed by me at the present session, yet it is to be regretted that the present Legislature has not seen fit to take any action on the subject. Near one hundred thousand dollars of interest was paid in cash, on the 1st of January, 1855, in New York, upon stocks in banks which have refused, for more than five months past, to redeem a dollar of their paper; yet the paper issued upon those stocks is passing for less than the value of the stocks, and no action has yet been taken for the realization of this large amount of interest, which should have added greatly to the value of the paper.

If this sum of money has been invested as required by law, in additional securities, no information of that fact has been made public. This of itself shows the impropriety of leaving these questions so deeply affecting the interest of the people to any other than a Bank department, in the hands of men of high financial character, having the confidence of the people, and specially charged with so important a trust.

There is much ostensible effort made in this bill to secure the bill holder after the bank has failed, but very insignificant precautions are provided to prevent the failure.

The laborer, who ignorant of the details of banking, is always seized with the first panic, will dispose of his paper at a ruinous discount, but the broker may be amply provided for!

Entertaining fixed opinions in favor of a gold and silver currency, no bill can receive my sanction which does not in my judgment provide, in the first place, an unquestionable security for the bill holder, and secondly, a most certain safeguard against the recurrence of the distressing evils which have grown out of the present bank system.

It is said the present law will continue if this bill does not pass. Be this as it may, the responsibility does not rest upon the executive department.

My views were so clearly stated in my last two messages, that it is hardly possible they could have been misunderstood.

It is my deliberate conviction that the discretionary powers given by this bill are equally as large and would be productive of

evils equally as disastrous as those in the act of which it is amendatory.

An examination of the Auditor's office will convince any person of the insecurity of the stocks, dies, plates, &c., there deposited.

Thousands of dollars have been returned, marked and cut, yet unregistered and undestroyed, and liable again to be put in circulation.

Notes have been presented to banks for payment, which have never been registered.

It is impossible, gentlemen, to give the public confidence in any system managed as the present has been; and the sooner it is put into other hands competent and faithful, or entirely wound up, the better it will be for the people and for the character of the State, which has suffered a loss already which it will take years to relieve.

Respectfully submitted,

JOSEPH A. WRIGHT.

On motion by Mr. Hudson,

The consideration of the Governor's Message was made the special order of the day for 2 o'clock, P. M.

On motion,

The House adjourned till 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Buskirk, from the committee on corporations, obtained leave, and made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 124. A bill requiring railroad companies to procure a bell for each locomotive running on their road; also, requiring railroad companies to erect and keep up sign boards at their crossings of each turnpike, highway, and townway in this State, and providing penalties for a failure to comply with the provisions of this act,

have had the same under consideration, and have amended the same as instructed.

Amendments to House bill No. 124:

Amend section 1, by striking out of the 11th line, first page, the word 'townway,' and insert the word 'street.'

Amend 2d section by striking out the word 'townway,' in fifth line, and insert the word 'street.'

Amend the 2d section, by adding after the word 'engine' the words 'cars, or other suitable inscription, that will give notice to travelers.'

The report was concurred in, and amendments adopted.

The bill was ordered to be engrossed.

Mr. Coen obtained leave and offered the following resolution:

WHEREAS, Each member of this House is entitled to one copy of the debates in the constitutional convention of 1850; therefore

Resolved, That the door-keeper be instructed to place a copy of said debates on the desk of each member.

Which was adopted.

Mr. Fouts moved to take up

Senate bill No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisement of the property of said prison.

Which motion prevailed.

The bill was read a third time.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Humphreys, Hunt, King of Johnson, King of Madison, McConnell, McCord, McClure, McFarland, McMurry, Malick, Merrifield, Miller, Monks, Murray, Newcomb, Peden, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Tanner, Thomas, Todd, Turner, Weir, Wilson, Wheeler, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Cotton, Gilham, Hargrove, Hudson, Hume, Landers,

Lemmon, Lewis, Peckenpaugh, Schoonover, Shull, Trusler, and Walpole—13.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clark of Rush presented a memorial and claim from Reuben A. Riley.

Which was,

On motion by Mr. Clark,

Referred to the committee on ways and means without reading.

Message from the Senate by Mr. Turman their Secretary;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 175. A bill regulating the adoption of heirs, with engrossed amendment of the Senate thereto;

In which the concurrence of the House is respectfully requested.

House bill No. 176. A bill regulating the adoption of heirs.

Senate amendment to said bill: "strike out the word 'orphan' wherever it occurs in the bill."

Was concurred in by the House.

Mr. Clark of Tippecanoe moved to take up

House Joint Resolution No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehouse, Hall & Co., against the State, and report the testimony in relation thereto to the next General Assembly.

Which motion prevailed.

The joint resolution was read a third time, and

The question being,

Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Davis, Dickerson, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hudson, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Lowe, McConnell, McClure, McFarland, Malick, Merrifield, Miller, Montgomery, Murray, Sanford, Sims, Shryock, Smith of Perry, Spotswood, Stanton, Thomas, Todd, Trusler, Turner, Weir, Wilson and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Crozier, Hall of Warren, Landers, McMurry, Monks, Newcomb, Peckenpaugh, Peden, Schoonover, Shull, Studabaker, Tackett, Tanner, and Walpole—17.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 177. A bill to legalize the organization of railroad companies, and election of directors thereof, in certain cases; Was read a third time.

The question being, shall the bill pass?

Mr. Thomas moved to refer the bill to a select committee with the following instructions:

Amend by adding, That any person interested may file his objections with the secretary or any director or agent of any company within thirty days, which shall have the effect to release such person from the effects of this act.

Which motion prevailed.

Said committee to consist of Messrs. Thomas, Murray, and Tackett.

The consideration of the Governor's message upon the veto of House bill No. 93. An act to amend an act entitled "an act to authorize and regulate the business of general banking;" approved May 28, 1852, being the special order of the day for 2 o'clock P. M., it was accordingly taken up.

The question being,

Shall the bill pass, notwithstanding the Governor's objections?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union. Coen, Dickerson, Dunn, Ellis, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, Meredith, Merrifield, Montgomery, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Stanton, Sturgis, Thomas, Todd, Trusler, Turner and Wheeler—42.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Buchanan, Carnahan, Clark of Jasper, Clark of Rush, Cotton, Crozier, Davis, Essex, Fouts, Hargrove, Herve, Hester, Hume, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Miller, Montgomery,

Peden, Schoonover, Shull, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Walpole, Weir, Wilson and Mr. Speaker—44. .

So the bill did not pass.

Mr. Smith of Perry moved to take up

House bill No. 233. A bill declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care ;

Which motion prevailed.

The bill was read a third time

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Earl, Ellis, Essex, Fouts, Frazer, Gilham, Gwin, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Hume, Hunt, Landers, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Montgomery, Murray, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Walpole, Weir, Wilson and Wheeler—71.

Those who voted in the negative were,

Messrs. Newcomb, Studabaker, Trusler and Mr. Speaker—4.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clark of Steuben moved to take up

Senate bill No. 153. A bill to legalize the sale of certain lands lying in section 16, made by county auditors and treasurers ;

Which motion prevailed.

The bill was read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark

of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Hudson, Hume, Humphreys, King of Johnson, King of Madison, Lemmon, Lewis, Logan, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Weir, Wilson, Wheeler and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Alden, Bonner and Trusler—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shryock moved to take up

Senate bill No. 133. A bill to fix the commencement of the terms of certain county officers and to render the same uniform.

Which motion prevailed.

The bill was read a third time, and

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Buchanan, Buskirk, Carnahan, Clark of Steuben, Crozier, Dickerson, Dunn, Ellis, Fouts, Gifford, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hillyer, Hudson, Humphreys, King of Johnson, Lewis, Logan, McConnell, McFarland, Malick, Meredith, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Sturgis, Tackett, Test, Thomas, Todd, Turner, Walpole, Weir, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Burnett, Clark of Rush, Cotton, Davis, Hester, Hume, Hunt, King of Madison, Lemmon, McCord, McClure, McMurry, Miller, Montgomery, Shull, Trusler, and Wilson—17.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hester moved to take from the table

House bill No. 117. A bill repealing "an act to authorize and regulate the business of General banking, approved May 28, 1852, and providing for the liquidation of Banks operating under said act."

The question being put,

Messrs. Test and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Branham, Brazelton, Buchanan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Cotton, Crozier, Davis, Fouts, Hargrove, Hervey, Hester, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Miller, Montgomery, Peckenpaugh, Schoonover, Shanks, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Test, Walpole, Weir, Wilson, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Beach, Bonner, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Union, Coen, Dickerson, Dunn, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hillyer, Hudson, Hume, Jeter, Meredith, Merrifield, Monks, Sanford, Sidwell, Sims, Shull, Shryock, Smith of Lagrange, Spotswood, Stanton, Thomas, Todd, Trusler, Turner, and Wheeler—42.

So the motion prevailed and the bill was taken up.

Mr. Humphreys moved to refer to a select committee.

Which motion prevailed.

Said committee to consist of Messrs. Humphreys, McConnell, Hester, Hudson, and Test.

Mr. Buskirk, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 97, have amended the same as directed, and a majority of the committee have directed me to report the accompanying amendment, and when so amended, recommend its passage.

House bill No. 97. A bill to provide for the listing of stock and other property of railroad companies, and for the collection of taxes.

Amend by adding after section 16,

SEC. 17. Where the value or cost of construction of any railroad is represented partly by stock and partly by bonds, the amount of outstanding bonds chargeable upon such roads or portion of road, estimating in proportion to length of line of the whole of said road, shall be added to the amount of capital stock so reported, and the same shall be assessed, and the taxes levied thereon, collected and distributed as is provided in the case of capital stock, and said stock and bonds so assessed shall cover and include all property real and personal owned by said company within this State.

Mr. Walpole moved to re-commit the bill with the following instructions:

Re-commit to the committee with instructions to strike out all the bill except that part of the bill which requires the tax on land of railroad companies to be assessed and paid in the county where the land is situated.

The question being on re-committing the bill,

Messrs. Walpole and Shanks demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Brothwell, Burnett, Carnahan, Clark of Jasper, Clark of Steuben, Cotton, Crozier, Davis, Dickerson, Ellis, Essex, Hargrove, Jeter, King of Johnson, King of Madison, Landers, Lemon, Logan, Lowe, McClure, McFarland, McMurry, Miller, Monks, Shanks, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Thomas, Turner, Walpole, and Wilson—35.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Buskirk, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Dunn, Fouts, Frazer, Gifford, Gwinn, Hadsell, Hall of Laporte, Harryman, Hervey, Hillyer, Hudson, Lewis, McConnell, McCord, Meredith, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Test, Todd, Trusler, Wheeler, and Mr. Speaker—39.

So the bill was not re-committed.

Mr. Frazer moved to amend the amendment as follows:

After the word "bonds" in the third line, add, "or other indebtedness;" and add after "bonds" in fourth line, these words, "and other indebtedness."

Which was adopted.

Mr. Walpole moved to re-commit the bill with instructions to strike out the word "capital," before the word "stock" wherever it occurs in the bill.

Mr. Meredith asked for a division of the question.

The question then being on re-committing,

Messrs. Walpole and Shanks demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Brothwell, Carnahan, Clark of Jasper, Clark of Steuben, Cotton, Crozier, Dickerson, Hargrove, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McMurtry, Miller, Schoonover, Shanks, Smith of Perry, Studabaker, Sturgis, Tackett, Tanner, Thomas, Walpole and Wilson—31.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Clark of Rush, Clark of Tippecanoe, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, McConnell, McCord, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Test, Todd, Trusler, Wheeler and Mr. Speaker—42.

So the bill was not recommitted.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Warren, Harryman, Hervey, Hillyer, Lewis, McConnell, McCord, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Spotswood, Stanton, Test, Todd, Trusler, Wheeler, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Brothwell, Carnahan, Clark of Jasper, Crozier, Dickerson, Essex, Hall of Laporte, Hargrove, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, Miller, Monks, Schoonover, Shanks, Smith of Lagrange, Smith of Perry, Studabaker, Sturgis, Tanner, Thomas, Turner, Walpole, and Wilson—32.

So the bill did not pass for want of a constitutional majority.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendments of the House to engrossed bills of the Senate;

No. 139. A bill to provide for the election of officers for the State Prison, and for the appraisment of the property at said prison.

No. 151. A bill relating to the State University, supplemental to, and amendatory of, an act entitled "An act providing for the government of the State University, the management of its funds, and for the disposition of the lands thereof," approved June 17th. 1852; and providing for the appointment of two commissioners, and for the sale of lands granted to the State for the use of the University, and for securing a more economical administration of its affairs by lessening the number of its board of trustees and limiting the expenses of managing its funds.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz:

No. 27. A bill to amend an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers," approved June 18th, 1852.

With one engrossed amendment of the Senate thereto.

In which the concurrence of the House is respectfully requested.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendments of the House to engrossed bill of the Senate:

No. 93. A bill to establish a bank with branches.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bills of the House:

No. 66. A bill for the relief Henry Wells, treasurer of the county of Lake.

No. 199. A bill to repeal sections 2 and 3 of an act entitled "An act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom," approved March 4th, 1853, and declaring all licenses issued under said act null and void from and after the 12th day of June next.

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House joint resolution No. 24, and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in engrossed amendments of the House to engrossed bills of the Senate.

No 58. A bill to amend the 21st and 31st, the 33d and 37th sections of an act, entitled "an act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

Mr. Carnahan, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills having examined enrolled bill of the House No. 212, find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled House bill No. 93, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 124 and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Mr. Monks, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 209, and engrossed House amendments to Senate bill No. 139, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Monks, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 225, and "House engrossed amendments" to Senate bill No. 140 and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 12. An act to amend an act, entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.

No. 52. An act to prohibit pratamity.

No. 80. An act to provide for written briefs and oral arguments in the supreme court.

No. 105. An act to amend section twenty-second of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852.

Which bills originated in the House of Representatives.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House with an amendment:

House bill No. 127. "An act to amend the 596th section of chapter 1st and article 29th of the revised statutes of 1852, and entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852."

On motion

The House adjourned till 7 o'clock, P. M.

7 o'clock, P. M.

The question pending at the last adjournment being upon the amendment offered by Mr. Newcomb to Senate bill No. 133, a bill to fix the commencement of the terms of certain county officers, and to render the same uniform,

The question being upon the engrossment of the bill,
It was so ordered.

Mr. Todd moved to take up

Senate bill No. 179. An act fixing the times of holding the circuit courts in 5th judicial circuit."

Which motion prevailed.

The bill was taken up, read a first time and passed to a second reading.

On motion by Mr. Sanford,

Joint resolution No. 11. A joint resolution authorizing the Auditor of State to burn canceled State stock paper, in certain cases therein specified, and specifying who shall pay for such service;

Was taken up and read a first time.

Mr. Clark of Steuben, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred a petition of the clerk of the common council of the city of Indianapolis, asking the Legislature to make appropriations to repair the streets of said city, ask leave to report that they deem it inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject;

Which report was concurred in, and the committee discharged.

On motion by Mr. Fouts.

Senate bill No. 144. An act to authorize the Governor to contract for the completion of the cell-house at the State Prison, and appropriating a sum of money for the same;

Was taken up and read a third time.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hillyer, Hunt, King of Johnson, King of Madison, Logan, McConnell, McCord, McClure, McMurry, Mallick, Meredith, Merrifield, Miller, Monks, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Wilson and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Carnahan, Davis, Hargrove, Hume, Landers, Lewis, Lowe, McFarland and Montgomery—9.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry moved to take up

Senate bill No. 103. A bill to amend section 19 of an act, for the government of the Indiana Hospital for the insane of Indiana, approved June 15th, 1862;

Which motion prevailed.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Tippecanoe, Coen, Dickerson, Ellis, Fouts, Frazer, Hall of Laporte, Hall of Warren, Harryman, Hester, Hillyer, Humphreys, Hunt, King of Johnson, King of Madison, Lemmon, Lewis, Lowe, McCord, McMurry, Malick, Meredith, Merrifield, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Thomas, Todd, Weir, Wilson and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Beach, Clark of Rush, Clark of Steuben, Clark of Union, Cotton, Crozier, Davis, Essex, Gwinn, Hadsell, Hargrove, Hervey, Landers, Logan, McClure, McFarland, Miller, Monks, Montgomery and Tanner—20.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Meredith,

House bill No. 218. An act making general appropriations for the years 1855 and 1856,

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hardin, Hargrove, Harryman, Hervey, Hester, Hillyer, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McMurry, Malick, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Weir and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Clark of Steuben, Essex, Landers, Lemmon, McFarland, and Monks—6.

So the bill passed.

Ordered. That the clerk inform the Senate thereof.

On motion by Mr. Meredith,

House bill No. 236. A bill making specific appropriations for the year 1855, was taken up.

Mr. Buskirk moved to suspend the rules, and read the bill a second time by its title.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tipton, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Meredith, Merrifield, Miller, Montgomery, Newcomb, Peckenpaugh, Sanford, Schoonover, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Sandabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Weir and Mr. Speaker—68.

Mr. Wilson voted in the negative.

So the rules were suspended, and

The bill read a second time by its title.

Mr. Brazelton moved to amend section —, as to pay of Clerk of House committee on the judiciary, by striking out \$4, and inserting \$3.

Which motion prevailed.

Mr. Newcomb moved to strike out \$4, and insert \$3 in section 5, as to pay of clerk of Senate committee on the judiciary.

The question being put,

Messrs. Humphreys and Shryock demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Burnett, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Crozier, Fouts, Frazer, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hillyer, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, McMurry, Malick, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Sandabaker, Tackett, Todd, Walpole, and Wheeler—45.

Those who voted in the negative were,

Messrs. Buchanan, Buskirk, Cain, Clark of Tippecanoe, Coen, Cotton, Davis, Dickerson, Dunn, Ellis, Essex, Gifford, Gilham, Hargrove, Harryman, Hester, Humphreys, Lowe, McConnell, McCord, McClure, McFarland, Meredith, Sanford, Schoonover, Spotswood, Sturgis, Tanner, Thomas, Weir and Mr. Speaker—30.

So the motion prevailed.

Mr. Newcomb moved to strike out of section 6 "four dollars," and insert "three dollars;"

Which motion prevailed.

Mr. Newcomb moved to strike out of section 7 "four dollars," and insert "three dollars;"

Which motion did not prevail.

Mr. Brazelton moved to reconsider the vote on adopting the amendment to section 4.

Mr. Newcomb moved to amend section —, by adding the provision, that William S. Tuley shall only receive four dollars per day for sixty-one days.

Mr. Brazelton moved to amend section 9, by striking out "four dollars," and inserting "three dollars;"

Which motion prevailed.

Mr. Fouts moved to reconsider the vote adopting the amendment to section 9.

The question being on the re-consideration of the vote,

Messrs. Newcomb and Sims demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Tippecanoe, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hargrove, Hervey, Hester, Humphreys, Hunt, King of Johnson, King of Madison, Lowe, McConnell, McClure, McFarland, Meredith, Miller, Sanford, Schoonover, Shryock, Smith of Perry, Spotswood, Sturgis, Tanner, Thomas, Walpole and Weir—38.

Those who voted in the negative were,

Messrs. Alden, Bonner, Brazelton, Clark of Rush, Clark of Steuben, Clark of Union, Cotton, Crozier, Hadsell, Hall of Laporte, Hillyer, Landers, Lemmon, Lewis, Logan, McCord, McMurry, Mallick, Merrifield, Monks, Newcomb, Peckenpaugh, Peden, Sims, Shanks, Shull, Smith of Lagrange, Stanton, Studabaker, Tackett, Todd, Wilson and Mr. Speaker—33.

So the vote was so re-considered.

The question then being on the adoption of the amendment,

It was not adopted.

Mr. Merrifield moved to amend the 12th section by striking out \$100, and inserting \$80;

Which did not prevail.

Mr. Merrifield moved to amend section 17, by striking out "one-fourth of one per cent.," and inserting "one-eighth of one per cent."

Which did not prevail.

Mr. Merrifield moved to amend by adding the following section :

Sec. —. That E. H. Barry, clerk of the House and Senate committees on temperance, be allowed four dollars per day during the time he was employed by said committees, to be certified by the chairman of the temperance committee of the House;

Which was adopted.

Mr. Brazelton moved to amend by striking out section 28,

Which did not prevail.

Mr. King, of Johnson, moved to reconsider the vote on section —, as to the compensation of the clerk of the committees on the judiciary,

Which motion prevailed.

The question being on the adoption of the amendment,

It was not adopted.

Mr. Buskirk moved to reconsider the vote on amending section —, as to the committee on corporations,

Which motion prevailed.

The question being on the adoption of the amendment,

It was adopted.

Mr. Branham moved that section 61 be stricken out,

Which motion prevailed.

Mr. Frazier moved to amend section 62 by making the sum \$500.

Mr. Newcomb moved to strike out section 63,

Which motion prevailed.

Mr. Landers moved to strike out section 64,

Which motion did not prevail.

Mr. Newcomb moved to strike out section 65,

Which motion prevailed.

Mr. King, of Johnson, moved to strike out section 68,

Which motion did not prevail.

On motion by Mr. Buskirk,

The word 'oppressive' was stricken out.

On motion by Mr. Newcomb,

The House adjourned till 8½ o'clock to-morrow morning.

SATURDAY MORNING, 8½ o'clock. }
 March 3d, 1855. }

House met pursuant to adjournment.

Mr. Murray was called to the chair.

On motion by Mr. Buskirk,
 The reading of the journal was dispensed with,
 And it was so adopted.

On motion by Mr. McConnell,
 Senate bill No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, and authorize the State to refund the excess when said purchaser paid over one dollar and twenty-five cents per acre,
 Was taken up and read a third time.
 The question then being,
 Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Coen, Cotton, Dickerson, Dunn, Ellis, Foms, Frazer, Giffer, Gilham, Hargrove, Harryman, Hudson, McFarland, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Schoonover, Sims, Shryock, Spotswood, Stantou, Sturgis, Tackett, Tanner, Test, Todd, Turner, Wheeler, and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Alden, Beech, Brazelton, Brothwell, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Crozer, Gwinn, Hadsett, Hall of Warren, Hervey, Hunt, Jeter, King of Johnson, King of Madison, Lemmon, Lewis, Logan, Lowe, McClure, Peck-enpauqh, Shull, Smith of Lagrange, Studabaker, and Thomas—23.

So the bill did not pass for want of a consitutional majority.

On motion by Mr. Buskirk,

Senate bill No. 179. An act fixing the times of holding the circuit courts in the fifth judicial circuit,"
 Was taken up.

The bill was read a second time and passed to a third reading. Mr. Murray moved to suspend the rules that the bill be read a third time.

The question being on the suspension of the rule,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dicker-on, Dunn, Earl, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wheeler, and Mr. Speaker—77.

No one voted in the negative.

So the rule was suspended and the bill read a third time.

On motion by Mr. Newcomb,

By unanimous consent the bill was amended as follows:

Insert in the 10th line of second page:

“*Provided*, that if the Marion circuit court shall be in session at the commencement of any term of the supreme court, said circuit court shall adjourn for two weeks, when it shall again sit, and finish the business of the term.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Sidwell, Sims, Shryock, Shull, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—72.

No member voted in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. McConnell,

House bill No. 209. A bill for the relief of William, Mary Jane, Nancy and Eliza McConahay, step-children of Jonas B. Wood, of Daviess county, and releasing to them certain real and personal property which escheated to the State,

Was taken up and read a third time,

When,

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of LaPorte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Brazelton, Hester, and Hunt—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate, by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, engrossed bill of the House,

No. 102. A bill to amend section 17 and part of section 18 of an act incorporating the Lagro, Marion and Jonesboro plank road company.

MR. SPEAKER :

In compliance with a resolution of the House of Representatives, I herewith, (by direction of the Senate,) return engrossed bill of the House

No. 77. A bill to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of the State, and repealing the former laws in reference thereto, Together with engrossed amendments of the Senate and House thereto.

On motion by Mr. Hargrove,

House bill No. 171. A bill to prescribe the manner of transacting township business, and to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852,

Was taken up and read a third time,

When,

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Carnahan, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Davis, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Hunt, Jeter, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McMurry, Malik, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shull, Smith of Lagrange, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—71.

Mr. Newcomb voted in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Meredith,

House bill No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State,

Was taken up and read a third time, and

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hudson, Jeter, Lemmon, Lewis, Logan, Lowe, McCord, McMurtry, Melick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Wilson, Wheeler Mr. and Speaker—C9.

No one voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Logan obtained leave and made the following report from the committee on claims :

MR. SPEAKER :

The committee on claims to whom was referred the petition of Thomas Akers, sheriff of Floyd county, who "represents that he had performed a large amount of services for the State of Indiana in the arrest of criminals, and that he had expended large sums of money, and a great amount of time, in performing the services, for which he has not, as yet, received any compensation for said services. The committee, according to order, have had the same under their consideration, and directed me to report that in the opinion of the committee it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Cotton moved to re-consider the vote on refusing to pass House bill No. 93. A bill to amend an act entitled "an act to authorize and regulate the business of general banking," taken on yesterday.

The question being on re-considering said vote.

Messrs. Hester and Hudson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson,

Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hudson, Humphreys, King of Johnson, King of Madison, Lemmon, McCord, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, and Wheeler—60.

Those who voted in the negative were,

Messrs. Clark of Rush, Essex, Hunt, Landers, Lewis, Logan, Lowe, McClure, Malick, Miller, Peden, Schoonover, Smith of Perry, Studabaker and Mr. Speaker—15.

So the vote was reconsidered.

The question then being, shall the bill pass, the veto of the Governor to the contrary notwithstanding?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crazier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hillyer, Hudson, King of Johnson, Lemmon, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Wheeler and Wood—58.

Those who voted in the negative were,

Messrs. Alden, Clark of Rush, Essex, Humphreys, Hunt, King of Madison, Landers, Lewis, Lowe, McConnell, McCord, McMurry, Malick, Miller, Montgomery, Peden, Schoonover, Smith of Perry, Studabaker and Mr. Speaker—20.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Hillyer moved to take up

House bill No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns, and in the civil townships of the several counties of the State of Indiana.

The bill was taken up and read a third time.

The question then being,

Shall the bill pass?

52—HJ.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Dickerson, Dunn, Eail, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hail of Laporte, Hall of Warren, Hartyman, Hester, Hillyer, Humphreys, Landers, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Truster, Turner, Weir, Wilson, Wheeler, Wood and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Hargrove, Jeter, Lemmon, Lewis, Logan, Lowe, McClure, Miller, Peckenpough, Schoonover and Walpole—11.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Frazer,
The message from the Senate pertaining to the school bill,
Was taken up.

Message from the Senate, by Mr. Turman, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House :

No. 172. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, with sundry engrossed amendments of the Senate thereto ;

In which the concurrence of the House is respectfully requested.

Engrossed amendments of the Senate to engrossed bill of the House

No 172. Strike out all after the 1st section, and insert in lieu thereof the following :

Provided, That the tax assessed and collected shall remain in the several counties in which the same was levied and collected, except such tax as may be collected from corporations ; *And provided further,* that the same shall be equally distributed in the several townships, in proportion to the number of children therein to the whole number in the county.

Sec. 2. The funds heretofore known and designated the surplus revenue fund, the county revenue fund, and all funds heretofore appropriated to common schools, the saline fund, the bank tax fund, shall, together with the fund which shall be derived from the sale of the county seminaries, and the property belonging thereto, from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue, all lands and other estates which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of 28th September, 1850, and deducting the expense of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for common school purposes, the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana, and unreclaimed fees as provided by law, shall be denominated the common school fund, the income of which, together with the taxes mentioned and specified in the first section of this act, shall be applied to the support of common schools.

Sec. 3. The several counties of this State shall be held liable for the preservation of said fund, and the payment of the annual interest thereon.

DISBURSEMENT AND APPORTIONMENT OF SCHOOL FUND.

Sec. 4. Each county auditor shall make out, by the fourth Monday of March, annually, a report of the amount of school funds at that time in the hands of the county treasurer, arising from taxation, and from interest of the several school funds, deducting therefrom the incidental expenses, and the amount of interest arising from the proceeds of the sale of section sixteen, or other lands in lieu thereof, and transmit the same immediately to the State Superintendent.

Sec. 5. The State Superintendent shall, by the fourth Monday of April, annually, make out a statement showing the number of scholars of each county, the amount of funds in the hands of county treasurers for distribution, and the proportional amount to which each county is entitled, and shall file the same with the Auditor of State, who shall forthwith arrange the necessary transfers among the counties.

Sec. 6. The State Superintendent shall, by the second Monday of May, annually, inform all county auditors of the sums to which their respective counties are entitled, and also the amount to be distributed to each of the incorporated cities, towns, and townships of each county, according to the number of children in the same.

Sec. 7. County auditors and treasurers shall, on the third Mon-

day of May, annually, make the annual distribution of said funds, according to such statement of said superintendent, upon the warrant of said auditor, by paying the same to the treasurers of incorporated cities, towns, and townships of their respective counties. They shall also at the same time, pay to said treasurers the proceeds of the congressional township fund, as hereafter prescribed; also the proportional amount of the collected taxes specified in the first section of this act.

Sec. 8. The county auditor and treasurer shall have charge of the congressional township fund in their respective counties, and distribute the proceeds of the same, deducting therefrom the necessary expenses of custody and distribution, to the officers aforesaid, for the benefit of the inhabitants of the congressional townships, to which such funds respectively belong.

Sec. 9. The proceeds of the congressional township fund or of the lands in lieu thereof, shall be distributed to the schools within the limits of their respective localities, but they shall work no exclusion from school of any scholar attached to the district who may live in the adjacent congressional township.

TOWNSHIP BOARD.

Sec. 10. Each civil township in the several counties in this State, is hereby declared a township for school purposes, and the township board of education thereof is hereby constituted a body politic and corporate, with full powers to levy taxes for the purchase of sites for school houses, for the erection and repairing of such structures, the requisite furniture, apparatus, and fuel for the same: *Provided*, the taxes levied for such purposes shall not exceed one-fourth of one per cent. on the valuation of taxable property in any one year.

Sec. 11. The township board of education shall consist of three members, who shall be elected for three years at the annual township election on the first Monday of April; but those chosen at the first election, shall be considered as elected for one, two, and three years respectively. Of those so elected, the person receiving the highest number of votes shall hold his office three years, the person receiving the next highest number of votes shall hold his office two years, and the person receiving the next highest number of votes shall hold his office one year. In case of a tie, they shall determine by ballot which shall serve. Such election shall, in all respects, be governed by the laws now in force, providing for the election of township officers in case of vacancy in the township board of education from death, resignation, refusal to serve, on any other cause whatever, such vacancy may be filled by appointment of the county auditor, and the person or persons so appointed, shall serve until the next annual election.

Sec. 12. Said board shall annually appoint one of their number as clerk, who shall record the proceedings of the board, and

discharge such other duties as may from time to time be required of him.

Sec. 13. They shall annually appoint one of their own body as treasurer, who shall be treasurer for all funds for school purposes belonging to the township, and on his appointment and before entering upon the duties of his office, he shall give bond with sufficient security in double the probable amount of money that shall come into his hands in any one year, payable to the State of Indiana, for the benefit of the common school fund, to be approved by the township trustees, conditional for the faithful disbursement according to law, of all such funds as shall from time to time come into his custody, and for the forfeiture of such bond, it shall be the duty of the township clerk to prosecute and collect the same for the use of the schools in the township; if any such clerk shall refuse or neglect to prosecute, then any freeholder may cause such prosecution to be instituted.

Sec. 16. When persons can be better accommodated at the school of an adjoining township, the trustees of the township in which such persons reside, shall transfer them for educational purposes to such adjoining township, and notify the trustees of the same of such transfer; and in any enumeration, the children of such persons shall be regarded as belonging to the township to which they have been transferred; and such persons shall, for educational purposes, be voters in such adjoining township only.

Sec. 17. They shall require of each teacher to file with the clerk of such board, at the expiration of such common school term, a complete report, verified by affidavit, of the number of scholars admitted during such term, distinguishing between male and female, and between the ages of five and twenty-one years; the average attendance, books used, branches taught, and the number of pupils engaged in the study of each branch; and until such report shall have been filed, the said trustees shall make no payment to such teachers for services.

Sec. 18. They shall present at the annual township meeting a statement exhibiting the number of children in each township between the ages of five and twenty-one years, distinguishing between male and female, the number of schools, the number of teachers, male and female, and the number of children, distinguished as above, who have attended school during the past year, the average attendance, length of school terms, compensation of teachers, male and female, amount of public funds appropriated to the township, condition of school houses and furniture, and estimated value thereof, number and condition of books in the library, value and condition of school apparatus, and a complete statement of their expenditures by items.

Sec. 19. In visiting schools they shall examine the mode of teaching, government, books used, adaptation of school houses and furniture, the comfort and health of the scholars, condition of such school houses and furniture, and all matters connected with the comfort and efficiency of the schools.

Sec. 20. They may dismiss teachers for incompetence, immorality, or neglect of duty, and suspend from the privileges of school any pupil found guilty of disorderly conduct, which suspension shall not extend beyond the current session, nor shall such dismissal prejudice the claim of a teacher for services rendered prior to the time of dismissal.

Sec. 21. Whenever a majority of the parents or guardians of the pupils attending a school shall present to the trustees of the proper township, a complaint in writing of the misconduct, inefficiency or incompetency of the teacher, such trustees shall forthwith investigate the cause of complaint, and if such complaint be properly sustained, shall dismiss the teacher.

Sec. 22. Such board may establish graded schools or a modification thereof, where such establishment is practicable and convenient, and in such case they shall so classify the children of their township, as to secure to all equitable participation in the advantages thereof.

Sec. 23. They shall, on or before the first day of October in each year, furnish to the county auditor, who shall on or before the fifteenth day of October in each year furnish to the State Superintendent a condensed report of the same, a full report of their proceedings, stating the number of select schools in the township, so far as the same can be ascertained, with the number of pupils, their ages and sex, branches taught, and the average wages of teachers both in the public and in the select schools.

Sec. 24. They may call a special meeting of the voters of the township, whenever in their opinion the interest of the township requires it, giving twenty days' notice thereof; and they shall call such meeting, when required in writing to do so by twenty of the voters of the township; whenever a special meeting is called, the notice shall specify time, place, and object, and be set up in three public places in the township.

Sec. 25. Whenever a tax shall be levied for school purposes, such trustees shall make out and file with the county auditor a list of so much of the taxable property in the township, with the names of the owners thereof, as belongs to such persons as may have been transferred for educational purposes to an adjoining township, and also to such persons as may, for the same purposes, have been transferred to the township, which shall be situate in the township of such persons' residence, unless the same be in an adjoining county.

Sec. 26. The auditor shall take for his guide the assessment of the property of the township for State and county purposes, deducting therefrom the property of persons transferred to another township, and adding thereto the property of persons transferred from other townships, and shall make the proper assessment thereof in the same manner as for State and county revenue, shall add the amount of said tax to his duplicate in an appropriate column, and the said taxes shall be collected by the county treasurer as

other revenues, and the said treasurer shall pay the same, upon the warrant of the auditor, to the treasurer of the proper township.

Sec. 27. Every person transferred for educational purposes to a township of an adjoining county, shall pay to the treasurer of such township, a sum equal to the tax levied in such township, computing the same upon the property of such person in the township where he resides, according to the valuation thereof by the proper assessor, and in default of such payment shall be debarred from educational privileges in the township to which he may have been transferred, and the trustees of the said township shall notify the trustees of the township in which he resides, of such exclusion.

Sec. 28. Tax payers may pay such special tax at any time to the township treasurer whose receipt shall be received by the county treasurer as evidence of payment.

Sec. 29. When any board of trustees shall neglect to file with the county auditor an enumeration of the children of the township as hereinbefore provided, the county auditor shall employ a competent person to take the same, and allow a reasonable compensation for such services, and shall proceed to recover the same, in the name of the State of Indiana, for the use of common schools, by action against the said trustees, in their individual capacity; and in such suit such auditor shall be a competent witness. A copy of such enumeration shall forthwith be forwarded by the auditor to the State Superintendent.

Sec. 30. If a township trustee fail to discharge any of the duties of his office, any person may maintain an action against him for every such offense, in the name of the State of Indiana, and may recover for the use of the common school fund, any sum not exceeding ten dollars.

Sec. 31. Any person elected or appointed a township trustee, who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section for the use therein named.

Sec. 32. The township school board shall divide their several townships into any convenient number of school districts, and appoint for each school district so formed, one district trustee, who shall continue to serve for one year, whose duty it shall be to take charge of the school house in his district, superintend the repairs, provide fuel, assist the school board in procuring a teacher, and in taking the enumeration of the school children in the district. Said township and district trustees shall be exempt from the annual road tax in consideration of their services as trustees.

Sec. 33. The school board shall make an estimate of the annual expenses of repairs, fuel, and the erection of new edifices, and sites for the same if any are needed, and all other educational affairs, and file a copy of the same with the township trustees who shall include the same in the annual estimate of township expenses, to be placed on the tax duplicate of the county, and collected as other taxes are collected. It shall also be the duty of said board

to adopt a style of school architecture, uniform as near as practicable in plans, convenience, and furniture, and maintain schools of equal length in each school district of the township; they shall take charge of the library and appoint the librarian, and determine his compensation; they shall be accountable for the preservation of said libraries—prescribe the time of taking and the period of retaining books, assess damages done to them by persons entitled to their use, and adopt rules and regulations necessary for their preservation and usefulness. The school board of that civil township in which the whole of section sixteen or the largest part of it is situate, shall be charged with the enumeration of the school children in said congressional township, and shall report the same to the county auditor at the same time a like report of the civil township is made, specifying the number of the same in each civil township into which said congressional township may extend.

Sec. 34. Such board shall have power to allow their clerk and treasurer a reasonable compensation for any extra duties enjoined upon them, by this act, as clerk and treasurer.

SETTLEMENT WITH TREASURER.

Sec. 35. It shall be the duty of the board of education to make settlement with the township treasurer on the fourth Monday of March, annually; but if for want of time or other reason, a settlement cannot be made at said session, then it shall be the duty of the board to appoint a committee, composed of one or more of their own members, to make such settlement as soon as practicable, and report the result to the clerk of the board, who shall record an abstract thereof in the records of the board.

Sec. 36. There shall be an annual meeting of the township school board and district trustees, on the second Monday of May for conference and concert of action, and subsequently on their own adjournment or appointment.

ON THE INVESTMENT OF THE COMMON SCHOOL FUND.

Sec. 37. The principal of all moneys belonging to the common school fund, and received into the county treasury, shall be loaned and the interest paid for the support of schools, as provided in this act.

Sec. 38. Such loans shall be made by the county auditor, who shall inform himself of the value of all real estate offered in pledge, and shall judge the validity of the title thereof; and all persons applying for a loan, shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale, or sale on execution or sale for taxes.

Sec. 39. The trustees, or any two disinterested free holders, residents of the township, shall appraise any land offered in mortgage.

Sec. 40. Such appraisers, first being sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value thereof at the time, without taking into consideration the perishable improvements, the number of acres, and a description of the same by numbers of congressional divisions, or of recorded lots, or by metes and bounds.

Sec. 41. In making such loans, preference shall be given to the inhabitants of the county, if the security be adequate; and the money shall be loaned equally among the different townships, if there are applicants in said townships.

Sec. 42. No land shall be received as security, unless situated in the county where the loan is made.

Sec. 43. The amount loaned to any person or company, shall not exceed three hundred dollars.

Sec. 44. The person applying for a loan shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land in either of their offices.

Sec. 45. Such person shall also make an oath to the truth of an abstract of his title, and that there is no incumbrance or better claim that he knows of.

Sec. 46. No such loan shall be made for a longer term than five years.

Sec. 47. The sum loaned shall not exceed one-half of the appraised value of the premises to be mortgaged, clear of all perishable improvements.

Sec. 48. The auditor shall have power to administer all oaths, and take all acknowledgements required by this act.

Sec. 49. Mortgages taken for such loans, shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens, not previously incurred, in the county where the land lies.

Sec. 50. The auditor shall cause such mortgages to be recorded, with due diligence, retaining the cost of recording out of the money borrowed.

Sec. 51. The rate of interest required, shall be seven per cent. per annum, payable annually in advance.

Sec. 52. On failure to pay any instalment of interest, when the same becomes due, the principal sum shall forthwith become due, and payable, and the note and mortgage may be proceeded on, and the money collected.

Sec. 53. The mortgage may be in substance as follows, to-wit:
I, A. B., of the county of ———, in the State of Indiana, do mortgage to the State of Indiana, all [here describe the land] for the payment of ——— dollars, with interest at the rate of seven per cent. per annum, payable in advance, according to the conditions of the note hereto annexed.

Sec. 54. The note accompanying the same may be in substance as follows, to-wit:

I, A. B., promise to pay to the State of Indiana, on or before

the ———, the sum of ———, with interest thereon at the rate of seven per cent per annum, in advance, commencing on the ——— day of ———, 18—; and do agree that, in case of failure to pay any instalment of said interest, the principal sum shall become due, and payable, together with all arrears of interest; and on failure to pay such principal or interest when due, two per cent. damages shall be collected, with costs, and the premises mortgaged may be forthwith sold by the county auditor, for the payment of such principal sum, interest, damages and costs.

Sec. 55. On making loan of any such fund, the auditor shall draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the fund.

Sec. 56. All loans refunded, and all interest, shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor, and make the proper entries.

Sec. 57. Whenever the amount due on any mortgage shall be paid, and the treasurer's receipt filed therefor, the auditor shall endorse on the note and mortgage that the same have been fully satisfied, and surrender the same to the person entitled thereto, and on the production of the same, thus endorsed, the recorder shall enter satisfaction upon the record.

Sec. 58. When the interest or principal of any such loan shall become due, and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, or both, at his option; he may, also, by action of ejectment, obtain possession of the mortgaged premises.

Sec. 59. In case of suit on the note, and judgment thereon, no appraisal of property shall be allowed.

Sec. 60. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper published in the county where the land lies, if any there be; otherwise, in a paper in the State nearest thereto for three weeks successively, and also by notices set up at the court house door, and in three public places in the township where the land lies.

Sec. 61. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises, to the highest bidder for cash, as will pay the amount due for principal, interest, damages and costs.

Sec. 62. In case of no bid for the amount due, the auditor shall bid in the same on account of the fund, and as soon thereafter as may be, shall sell the same to the highest bidder, for cash, or on a credit of five years, interest at seven per cent. per annum being payable annually in advance.

Sec. 63. Such sale may be in parcels, but shall not be for less than the amount chargeable on said land; and if more, the overplus shall be paid to the mortgagor, his heirs or assigns.

Sec. 64. The treasurer shall attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and

after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record, or a copy thereof authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

Sec. 65. The deeds shall be executed by the county auditor, and shall be entered on the books of the county treasurer, before delivery.

Sec. 66. When any land is bid off by the auditor, at such sale, no deed need be made therefor to the State, but the statement of such sale, and the record thereof made, shall vest the title in the State, for the use of the fund.

Sec. 67. Annual reports of the operations of their respective officers, in regard to loans, and payments for school purposes, and to all moneys received on account of the common school fund, shall be made by the county treasurer and auditor to the board of county commissioners, at the first session after the first day of June.

Sec. 68. Forms and modes of book-keeping for said officers shall from time to time be prescribed by the Auditor of State.

Sec. 69. The board of county commissioners shall annually, at their June session, in the presence of the county auditor and treasurer, examine the accounts and proceedings of such officers. In relation to said fund, they shall also inquire into the safety of the several loans made of said fund, and examine and compare the cash, notes and mortgages with the books and reports.

Sec. 70. Said board shall make a report of the result of such examination, showing: *First*. The amount retained and the amount re-loaned, and the safety thereof. *Second*. The amount of interest received and the amount paid over.

Sec. 71. Such report shall be entered on the records of said board, and copies thereof signed by members of the board, the auditor and treasurer, shall be transmitted to the Auditor of State and to the State Superintendent of Public Instruction.

Sec. 72. Any member of the board of county commissioners, or any county auditor or treasurer neglecting to perform any of the duties required in the three preceding sections, shall be liable to indictment therefor, and be fined in any sum not exceeding one hundred dollars, not less than twenty dollars.

OFFICERS' FEES.

Sec. 73. County auditors shall receive for their services in managing the school fund two per cent. damages on all sales for non-payment of loans, and three per cent. on all receipts and disbursements of interest. And county treasurers shall receive for their services two per cent. on all receipts and disbursements of interest.

Sec. 74. The following fees only shall be charged in case of mortgage for loans, to be paid by the borrower:

To each appraiser 50 cents.

For recording mortgage.....	50 cents.
For drawing mortgage.....	50 cents.
For taking borrower's affidavit.....	10 cents.
Clerk & Recorder's certificate & examining title, each	25 cents.

STATE SUPERINTENDENT.

Sec. 75. There shall be elected by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years; and in case a vacancy shall happen in said office, by death, resignation, or otherwise, the Governor shall fill the same by appointment, for the unexpired term.

Sec. 76. He shall subscribe an oath or affirmation of office, which shall be filed in the office of Secretary of State, and shall enter upon the duties of his office on the second Monday of January succeeding his election.

Sec. 77. The books and papers of his department shall be kept at the seat of government.

Sec. 78. He shall be *ex officio* President of the State board of education, preside at all meetings thereof, propose such measures for consideration and adoption as in his judgment may best subserve the interests committed to said board, and increase the efficiency of their individual labors, and submit for their inspection and approval a list of text books for schools, and a catalogue of suitable works for school libraries.

Sec. 79. He shall receive and promptly determine appeals from township trustees, exercise such supervision over the educational funds as may be necessary to ascertain their safety and secure their preservation, and cause to be instituted in the name of the State of Indiana, for the use of the common school fund, all suits necessary for the recovery of any portion of said funds.

Sec. 80. He may require of county auditors, treasurers, township trustees, clerks and treasurers, copies of all reports by them required to be made, and all such other information in relation to the duties of their respective offices, and the condition of the funds and property of common schools, and the condition and management of such schools as he may deem important.

Sec. 81. He shall prepare and transmit to the proper officers, suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and all necessary instructions for the better organization and government of common schools.

Sec. 82. He shall cause as many copies of this act, with the forms, regulations, and instructions aforesaid, to be from time to time printed and distributed amongst the school townships, as he shall deem the public good requires.

Sec. 83. The annual report of the superintendent shall be made to the General Assembly, when that body is in session; otherwise

to the Governor, who shall cause the same to be published, and communicate a copy thereof to the next General Assembly.

Sec. 84. With the report of his labors and observations, he shall present:

A statement of the condition and amount of all funds and property appropriated to purposes of education;

A statement of the number of common schools in this State,—the number of scholars in attendance,—their ages, sex, and the branches taught;

A statement of the number of private or select schools in the State, so far as the same can be ascertained,—the number of scholars, their ages, sex, and branches taught;

Estimates and accounts of the expenditures of the public school fund;

Plans for the management and improvement of the common school fund, and for the better organization of common schools.

LANDS BELONGING TO COMMON SCHOOLS.

Sec. 85. The custody and control of all lands belonging to the common school fund, shall be with the trustees of the civil township in which the same shall be situated.

Sec. 86. They shall have power to lease such lands for any term not exceeding three years, reserving rents payable in money, property, or improvements to be made on the land.

Sec. 87. But if directed by a vote of a majority of voters of such township, such leases may be made for any term not exceeding ten years.

Sec. 88. Townships may acquire land by devise or gift, and hold the same in accordance with such gift or devise.

Sec. 89. Such trustees shall have all rights and powers of a landlord, either in their official names, or in the corporate name of the township, in coercing fulfilment of contracts relating to such lands, and preventing waste or damage, or of recovery for the same when committed.

Sec. 90. Such trustees shall preserve all personal property belonging to such township, and may sell the same, from time to time, in such manner as will best promote the interest of such township.

Sec. 91. At any time when five voters of any township shall, by petition to the trustees, set forth their desire for the sale of all or any part of the land in such township, at any time before notice is given for the annual election of trustees, such trustees shall insert in such notice the further notice that a balloting will then be had to determine whether the land so petitioned for shall be sold or not.

Sec. 92. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustees, together with the time of its reception, and their action thereon.

Sec. 93. If a voter favor the sale of such land, he shall write the word "sale;" if he opposes the sale, he will write the words "no sale."

Sec. 94. No such sale shall be allowed, unless a majority of all the votes cast in such township shall vote in favor of it, and unless the number of votes constituting such majority shall exceed fifteen.

Sec. 95. A certificate showing the number of votes given for and against such sale, shall be made out and signed, and within seven days after such election, filed with the clerk of such township.

Sec. 96. Such trustees shall enter such return on their record books, and if satisfied that a majority, and more than fifteen voters have voted for such sale, they shall enter their opinion on their record book, and shall proceed.

First. To divide the land so voted to be sold into such lots as will insure the best price.

Second. To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third. To certify such division and appraisement to the proper county auditor, together with a copy of all their proceedings had in relation to the sale of said lands.

Sec. 97. Such certificate and return shall, by such auditor, be laid before the board of county commissioners, at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First. It shall be made by the auditor and treasurer.

Second. Four weeks notice of the same shall be given, by posting up notices thereof in three of the most public places in the township where the land is situated, and at the court house door, and by publication in a newspaper published in said county, if any, otherwise in the newspaper in the State nearest thereto.

Sec. 98. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance.

Sec. 99. On failure to pay any such annual interest, when the same becomes due, the contract shall be forfeited, and the land shall immediately revert to the township, and the auditor shall forthwith proceed again to sell the same on the terms above specified.

Sec. 100. If, on such second sale, such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser, or his legal representative.

Sec. 101. At any time before sale, payment of the sum due, with interest for the delay, and all costs, together with two per cent. damages on the whole sum owing for said land, shall prevent such sale, and revive the original contract.

Sec. 102. In case of such forfeiture, the original purchaser may be sued for waste, or unnecessary injury done to such land.

Sec. 103. Such suit shall be prosecuted by the auditor, in the name of the State, for the use of the common school fund.

Sec. 104. The former owner of such delinquent land, his heirs, or assigns, may, within one year after sale, redeem the same by paying to the purchaser, his heirs, executors, administrators, or assigns, or by depositing with the treasurer of the proper county, the amount of purchase money paid by such purchaser, with interest thereon at the rate of ten per cent. per annum, together with all subsequent payments for taxes, interest or principal, which such purchaser, or those claiming under him, may have made thereon.

Sec. 105. When any land offered for sale shall remain unsold, the county auditor may dispose of the same at private sale, for the best price that can be had therefor, not being less than the minimum price affixed thereto.

Sec. 106. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by the county auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

Sec. 107. Every purchaser, until forfeiture, shall be entitled to all the rights of possession, before existing in such townships, and of all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

Sec. 108. A purchaser at such sale, failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor, in the name of the State, for the use of the common school fund, and the auditor and treasurer shall be competent witnesses.

Sec. 109. Assignments of certificates of purchase shall be valid only if acknowledged before the county auditor, who shall record the same.

Sec. 110. When a residue of purchase money becomes due, the purchaser may retain the same as a loan, from year to year, on payment annually in advance of the interest thereon, at the rate then established by law on loan of such funds; but he shall receive no deed until full payment is made; and the General Assembly may at any time hereafter so change the law as to require payment of such purchase money after the original credit has expired, giving the party one year's notice.

Sec. 111. Purchasers may at any time before due, pay a part or the whole of such purchase money.

Sec. 112. When any such certificate shall be lost or destroyed, before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the

county auditor, and after three months notice of intention to apply for a new certificate, given in some newspaper published nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

Sec. 113. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

Sec. 114. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

Sec. 115. On full payment for such land, a deed shall be executed by the county auditor, and entered on the record book of the board of county commissioners.

Sec. 116. Such deed shall be acknowledged at the cost of the grantee by the county auditor, as in other cases, and thus executed and delivered, shall vest in the grantee, his heirs and assigns forever, a complete title to the land.

Sec. 117. The voters of any township may, in the absence of a vote to sell land, and in lieu thereof, petition the board of township trustees for such sale; and such petition, if signed by a majority of all the voters of the township, be filed with the county auditor, and the same proceedings shall be had as are provided in the preceding sections upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book of the board of township trustees, and of the county auditor.

Sec. 118. When a majority of the voters shall, by petition, designate any place in the township as the place of sale of any school land, the said petition duly certified and recorded in the record of the board of township trustees, shall be filed with the county auditor who shall record the same, and thereupon such sale shall be held at such place in the township, instead of at the court house, as hereinbefore provided.

Sec. 119. All moneys derived from rents of a school section, or from lands heretofore acquired by a township for other than ordinary school purposes, shall be paid to the county treasurer.

MISCELLANEOUS PROVISIONS.

Sec. 120. The books, papers, and accounts of any township trustee, their clerk or treasurer, shall be subject to the inspection of the county auditor, and of the board of county commissioners of the proper county.

Sec. 121. For the purpose of said inspection, said board of county commissioners and auditor may, by subpoena, summon before them any such trustees, clerk, or treasurer, and require the production of such books, three days' notice of the time to appear or produce being given.

Sec. 122. If such books have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

Sec. 123. Process in suits against a school township shall be by summons executed by leaving a copy thereof with the clerk of such township ten days before the return day thereof.

Sec. 124. Suits brought on behalf the school township, shall be brought in the name of the State of Indiana for the use of such township.

Sec. 125. When suit on behalf of, or against a school township shall be entered in the circuit or supreme court, the prosecuting attorney of the proper circuit shall attend to the prosecution or defense of such township as part of his official duty.

Sec. 126. An appeal shall lie from the decision of a township meeting or a board of township trustees to the county auditor, thence to the State Superintendent whose decision shall be final.

Sec. 127. Any person who shall sue for, or on account of, any decision, act, refusal or neglect of duty of the township trustees, or of county auditor, for which he might have had an appeal according to the provisions of the two preceding sections, shall not recover costs.

Sec. 128. No teacher shall be employed unless he be of good moral character, nor until he shall have procured a certificate of qualification as provided in this act.

Sec. 129. The words 'county auditor,' in this act, shall be construed to mean the county auditor or clerk of the circuit court doing the business of such auditor.

Sec. 130. Debts heretofore contracted by any school district for school purposes, shall be provided for by the township or townships in which it is situated.

Sec. 131. All common schools shall be open to the pupils thereof without charge.

Sec. 132. The auditor shall take an account of the amount of the surplus revenue fund heretofore distributed to the several counties of this State, and also on account of the proportion to which each county would be now entitled according to the number of taxable polls in each, and shall equalize the amount of State funds in each county according to population, as far as may be, by means of the saline and bark tax funds annually distributed from the State.

Sec. 133. The county auditor and treasurer, under the direction of the board of county commissioners, shall have the power to compound for debts of any of the school funds which are considered as lost or unsafe.

Sec. 134. Incorporated cities and towns shall constitute school corporations, independent of the townships in which they may be situated, and shall be entitled to the proportional amount of school funds to which the number of children between the ages prescribed by law will entitle them; and shall, by trustees elected by the

people, or by officers appointed by the corporation, perform all the duties required of township trustees,—prepare and file with the county auditor all the reports required of, and be subject to all the liabilities of such trustees,—shall have power, by an ordinance, to levy taxes for the support of their schools, after the public funds shall have been exhausted,—for the building, repairing, and hiring of school houses,—for the purchase or leasing ground therefor,—for the furnishing thereof,—for the establishment or increase of school libraries, and all other incidental expenses. They shall have power to establish graded schools, and generally to do and perform all other acts which, by this act, are authorized to be done and performed by township trustees: *Provided, however,* That in case any school district within the limits of such city or town, shall have heretofore contracted debts for school purposes, the said city or town shall make provisions for the payment thereof. The same transfers may be made for educational purposes from the neighborhood of any such city or town, to such city or town, and on the same terms and conditions as are hereinbefore provided in relation to transfers from one township to another.

Sec. 135. The school year shall be considered as closing on the 30th day of September, and the enumeration of the school children shall be made between the 20th and 25th days of said month, and thirteen weeks of five school days each shall be considered a legal quarter.

Sec. 136. The county auditor shall appoint some suitable person whose duty it shall be to examine the several dockets and records of his county, and make report in writing to the board of county commissioners, of the unclaimed fees as provided by law, and the fines assessed for breaches of the penal laws of the State, which remain uncollected; and he is hereby authorized, if he deem it for the interest of the State, to institute suit in the name of the State of Indiana for the recovery and collection of the same for the use of the common school fund.

Sec. 137. Where any real estate has been heretofore donated or purchased for the use of any corporation, or school district for school purposes, and the same has ceased to be used, or is no longer needed for such purposes, the trustees or other officers of such corporation, or the township board of education in which the same may be situated, are hereby authorized to sell such real estate, and extinguish the donor's title or right of reversion by purchase, if they deem it expedient, or they may direct the sale to be made with condition that the purchaser shall extinguish such title or right of reversion as a part of the consideration of the purchase.

Sec. 138. The proceeds of said sales after deducting the necessary expenses thereof, shall be applied to the purchase of new sites and the purchase or erection of school houses thereon, within the limits of the corporation or civil township in which such real estate was situated.

SCHOOL EXAMINERS.

Sec. 139. The board of county commissioners of each county of this State are hereby authorized to appoint at least one and not more than three school examiners, whose term of office shall expire on the first Monday in March of each year; the clerk of said board shall report, immediately upon their appointment, the name and post office address of each school examiner to the State Superintendent of Public Instruction.

Sec. 140. It shall be the duty of said school examiner to examine all applicants for license, and if found qualified, license them as common school teachers for three, six, twelve, eighteen, or twenty-four months, at the discretion of the examiner; they shall each keep an account of all licenses issued, specifying date, and period of expiration, and shall forward an annual report of the same to the State Superintendent of Public Instruction.

Sec. 141. *Be it further enacted*, That all licenses shall specify explicitly the branches which the licensee may be qualified to teach, and shall be issued free of charge. But the school examiner shall be entitled to an advanced fee of fifty cents from every applicant for examination.

Sec. 142. The State Superintendent of Public Instruction may license teachers at his pleasure.

Sec. 143. No person shall be declared qualified to receive a license as common school teacher, unless he or she may possess a knowledge of orthography, reading, writing, arithmetic, geography, and English grammar.

STATE BOARD OF EDUCATION.

Sec. 144. The State Board of Education shall consist of the State Superintendent of Public Instruction, the Governor, the Secretary, Treasurer, and Auditor of State, who shall meet annually at Indianapolis, on the second Monday in November, for the purpose of more effectually promoting the interests of education, by mutual conference, interchange of views and experience of the practical operation of the system, the introduction of uniform school books, the adoption of the most eligible means of facilitating the establishment of township school libraries, and the discussion and determination of such questions as may arise in the practical administration of the school system.

Sec. 145. All acts contravening the provisions of this act are hereby repealed.

Sec. 146. Inasmuch as a portion of the duties prescribed by this act, must be performed before the publication and circulation of the laws in the several counties of the State, an emergency is declared to exist for the immediate taking effect of this act, it is therefore declared that the same shall take effect and be in force

from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

Amend section one, by striking out "fifteen cents," and inserting "ten cents."

The question being on concurring in the amendments of the Senate,

The House refused to concur.

On motion by Mr. Meredith,

The message from the Senate, relating to the bill establishing a bank with branches,

Was taken up.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof, the objections of his Excellency, the Governor, to the contrary notwithstanding.

No. 93. A bill to establish a bank with branches.

In which the concurrence of the House is respectfully requested.

Gentlemen of the Senate :—

I return to you Bill No. 93, entitled "An act to establish a Bank with Branches," which originated in the Senate, with a very brief statement of the reasons which impel me to withhold my approval of the same. The bill has been before me but a few hours, and I hasten (as the period allotted by the constitution, for your deliberations is near its close,) to give the representatives of the people an opportunity for a reconsideration.

I deeply regret that this measure has been presented at this late period of the session, when the pressure of other duties prevents me from giving it that consideration which its importance demands.

The momentous issues involved in the establishment of such an institution (which may issue paper to an unlimited amount, and whose charter cannot be repealed or amended within twenty years without its own consent,) might well make one, charged with a part of the responsibility of legislation, pause before approving this bill.

It would seem that a question so vitally affecting the public interests, ought to have been preceded by a general and full discussion before the people, yet it is not believed that the propriety of the incorporation by the present legislature of a bank with branches, was generally discussed before the people. The power of the present State bank to issue bills, &c., continuing under its charter for two years more, it seems to have been the general impression that the question of the re-charter of the State bank or the establishment of any similar banking institution would be postponed for the consideration of the next General Assembly.

This consideration alone might be sufficient to induce me to throw upon the General Assembly the burthen of a reconsideration.

But there are other considerations, far more potent in my own judgment, why I should not approve the bill.

It is by no means clear that all the provisions of the bill are constitutional. Section 15 of the bill provides, that "the capital stock of said bank or branches shall not be taxed for municipal purposes." Section 23 of the bill of Rights provides, that "the General Assembly shall not grant to any citizen or *class of citizens* privileges or immunities, which, upon the same terms, shall not equally belong to all citizens. It is not perceived how the immunity from taxation for municipal purposes which is here allowed to a class of citizens, while none others are exempted, (except as expressly provided for in the constitution) is consistent with the constitutional provision above quoted.

In considering the bill, with a view to its *policy*, I am met at the outset with a provision which is startlingly anomalous. The 79th section, after providing for twenty days' notice of the opening of the books for the original subscription of stock, by its obvious import allows the books to be closed, if the "requisite amount" shall then be subscribed, at the end of the very moment at which they are opened. Thus one man may subscribe the entire amount of stock of one or more branches, and a moneyed monopoly as odious and frightful as any of which the history of American legislation furnishes an example, may suddenly be established. The 84th section of the charter of the present State bank, the language of which is copied, word for word, in many parts of this bill, expressly provided that the books for the original subscription of stock should be "kept open between the hours of 9 and 12 o'clock A. M. of each day, for the space of thirty days;" yet this wise safeguard, in the case of the present bill, would seem to have been studiously omitted. It is believed that no provision similar to the one in this bill cited, exists in the charter of any other moneyed corporation in this country. If there were no other objection to this bill, I never could lend the sanction of the Executive approval to a bank bill containing this provision.

The bank is authorized to receive on deposit, moneys, bullion, plate, and other articles of value of small bulk, upon such terms as may be agreed on between the parties; and the bank has a right to discount paper to the amount of *three times the amount of the capital stock paid in, and three times the amount of the deposits*. Thus the bank would seem to be left to determine what are valuable articles, other than moneys, bullion, and plate, provided they be of small bulk, and also their value without reference to their immediate convertibility into money, and might discount to an amount equal to three times such assumed value, as well as three times the value of the capital stock and other deposits. In case of a financial crisis, what kind of a security is furnished for the redemption of the paper? The security of issues, resting on such a basis, is altogether illusory.

It is believed, too, that the right to emit so large an issue of paper, upon such an amount and kind of securities, is unparalleled in the history of legislation. And as if this were not enough, the character of the State is invoked to its support, by conferring upon it the imposing title of "*The Bank of the State of Indiana.*"

Whatever abuses may be developed—whatever injuries may result from the establishment of this bank, no corrective can be applied by the people, through their representatives, *without the assent of the President and Directors of the bank and every branch thereof*, until the expiration of twenty years, when the constitution requires that the bank shall cease its operations. And the State, while limited by the constitution to the establishment of one bank with branches, mutually responsible for each others' issues, &c., is not at liberty, in any case, to meet the increasing commercial wants of the State, incident to the development of her resources and the increase of her population, by the establishment of any other branch or branches, without the assent of the boards of directors of two-thirds of the branches.

Gentlemen, in the midst of this financial crisis, the closing events of which will furnish the fruits of a valuable, even though a bitter experience, why is it necessary now, when the present State bank is in full operation, to attempt precipitately to establish another State bank with branches? The problem of banking is not yet solved, and it is well for a statesman to wait patiently, when no necessity urges, to gather as many of the ripe fruits of experience as practicable.

Why not then wait till the State bank has closed up its affairs? Why not wait till it has furnished its final expose? Why not see, from the manner in which its transactions wind up, what is the necessity of a similar institution, and in what condition it leaves the country? A suspicion would seem to be implied that when the State bank comes to be wound up, it will not be so easy as now to procure from the General Assembly a charter for a similar institution.

Considering the present bill, in relation to the powers which it confers upon the bank, the vast capital authorized, and its machinery generally, as hostile to the genius of our institutions; and regarding with distrust its present introduction, without having been preceded by a full discussion before the people: deeming that the present financial crisis teaches us to be tardy, rather than precipitate in entering upon new experiments; and looking upon it, at least, as singular that an emergency should be declared in the bill requiring it to take effect immediately, while the present State bank may continue to issue a currency for the next two years, I cannot, gentlemen, consistent with a sense of official duty, forbear to return to you the bill, and respectfully intrust you to give it a careful reconsideration.

Respectfully submitted,

JOSEPH A. WRIGHT.

The question being,
Shall the bill pass, the objections of the Governor to the contrary notwithstanding?

Those who voted in the affirmative were,

Messrs. Bartholomew, Bonner, Branham, Brazelton, Brothwell, Burnett, Buskirk, Cain, Clark of Rush, Clark of Union, Coen, Dunn, Ellis, Fouts, Gifford, Gilham, Hall of Laporte, Harryman, Hervey, Hester, Hil'yer, Hudson, Humphreys, Lewis, McConnell, McCord, Malick, Mellett, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Lagrange, Stanton, Tackett, Test, Todd, Trusler, Turner, Weir, Wheeler and Wood—51.

Those who voted in the negative were,

Messrs. Alden, Beach, Buchanan, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Crozier, Frazer, Hadsell, Hall of Warren, Hargrove, Jeter, King of Madison, Landers, Lemmon, Logan, Lowe, McClure, McMurry, Miller, Shanks, Shull, Smith of Perry, Spotswood, Walpole, and Mr. Speaker—26.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Studabaker asked leave to record his vote.
Which was refused by the House.

Mr. Shanks obtained leave, and entered the following protest:

The undersigned, members of the House of Representatives, hereby enter our protest to the passage of Senate bill No. 93. An act to establish a bank with branches; and for our votes and acts give the following reasons:

1. The bill establishes a corporation which shall continue as such for the term of twenty years from the date of its organization, and for a longer period to close its business, having for its sole object a monetary scheming for gain; by which act this Legislature forestalls the people from taking steps through their representatives or otherwise, for a correction of any defects in the system, corrupt as it may and we think will become.

2. The advocates of the bill claim for it the credit of being a copy of the law founding the present State Bank, and also claim the credit of that institution for this bubble, that like a curse hangs upon the fair name of that institution; when, in fact, it is not a copy of that charter, and has not the basis of credit due the present State Bank, from the fact that the State can have no interest in any corporation, and particularly in a bank. See Constitution, Sec. 12, Article 11. Therefore the only true basis is sapped, and

the whole a scheme of wild and reckless crediting in which the bill holder is insecure, and the bank and bankers the only gainers.

3. The act is unconstitutional. The fifteenth section thereof provides a special mode of assessing school tax, and prohibits other taxation for that purpose than therein enacted. It also prohibits the assessment of taxes for municipal purposes on the capital stock of said bank or branches, by this act created; all of which are in conflict with the strict provisions of the constitution, section 1, article 8, and section 1, article 9, in relation to common schools and taxes.

4. Like all other rotten and corrupt systems of money scheming, by way of credit, it proposes to secure the bill holder by issuing two dollars for one of deposit, and that deposit made in the vaults of the bank—which is in effect to make a note payable to a particular person, at a given time, and secure its payment by depositing the money in your pocket, liable to be changed or removed at every wish of the holder—opening a road to fraud and villainy wide enough to ruin our credit, and base enough to sacrifice it.

5. In section forty-five the branches are made the special favorites of the law: "The orders of the board suspending any branch shall have the effect to suspend all suits, judgments, orders, decrees and executions, for any claim ordered which said branch should have paid; nor shall said suit progress until the matter shall have been submitted to the board for their approval." This grants authority only proper to be exercised by superior courts, and grants to those corporations privileges not granted to the people, which is again contrary to justice and the Constitution of the State. See section 23, article 1.

6. When this bill passed the Senate, it contained a provision to take from the State the entire interest thereof in the old bank, which is now near two millions of dollars, which was, however, stricken from the bill in order to gain for it support in this House. We look to this matter as dangerous, and believe that the advocates of this bill have only stooped to conquer, and offer the prediction that our next General Assembly will be called upon to perfect the swindle by re-instating the clause which this House has driven from the bill, and consummate another grand stroke at the interests of the State, and throw at the feet of a corporation the millions of money due the educational interests of the country, and re-enact again the Madison road swindle, or an internal improvement bubble.

All of which is respectfully submitted,

J. P. C. SHANKS.

On motion by Mr. Newcomb,
The House adjourned till 1½ o'clock, P M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Smith of Perry, from the committee on ways and means, obtained leave and made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred the report of the State debt sinking fund commissioners have carefully examined the same and the accounts of the treasurer in reference thereto, and the bonds in the hands of the Auditor of State.

They find the following bonds on hands:

No. 2332, dated 28 Oct., 1854,.....	\$67,492 50
No. 2331, " " " " " ".....	\$13,190 00
No. 2341, " 3 Nov., " ".....	\$13,180 00
No. 2340, " " " " " ".....	\$54,002 00

All of which are 2½ per cent. bonds.

Also,

No. 2268, dated 28 Oct., 1854,.....	\$40,000 00
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Bearing 5 per cent. interest.

There is also in the hands of John W. Wright, belonging to the fund 5 per cent. bonds amounting to \$10,000.

There is also to be in the hands of the present Agent of State bonds belonging to this fund and purchased by M. G. Bright, former agent, bonds amounting to about \$17,840, which makes up the whole amount of stock purchased prior to Nov. 1st, 1854, \$245,714 50.

Since that time the Treasurer has purchased the following 2½ per cent. bonds:

No. 2289, dated 19th April, 1854,.....	\$9,547 50
No. 2325, dated 25th Sept., 1854,.....	200 00
No. 2165, dated 21st Oct., 1854,.....	1,800 00

Making the total amount of the fund at this time \$257,261 00

By which it will be seen that this fund has reduced the State debt upwards of one quarter of a million of dollars, and with careful and prudent management ought to continue to withdraw upwards of \$100,000 per annum, with a continually increasing ratio.

The committee have directed me to return the report of the commissioners to the House, and to recommend that it be printed in the documentary journal.

The report was concurred in.

Mr. Shryock moved to take up

House bill No. 206. A bill to amend an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, and declaring certain taxes legal."

Which motion prevailed.

The bill was read a third time,

When,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gwinn, Hadsell, Hall of Warren, Harryman, Hillyer, Hudson, Humphreys, Landers, Lewis, McConnell, McCord, McFarland, McMurry, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Thomas, Todd, Turner, Walpole, Wilson and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Clark of Rush, Crozier, Hargrove, Hervey, Hester, Jeter, King of Johnson, Lowe, McClure, Miller, Montgomery, Smith of Perry, Studabaker, Tackett, and Tanner—15.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Senate bill No. 178. An act to provide for the election of a State Printer by the people.

Was taken up and read a third time.

Mr. Peden moved to refer the bill to a select committee, with the following instructions:

"Amend by inserting State Agent, State Librarian, State Bank Directors, and Attorney General."

Mr. Meredith moved to lay the bill on the table.

The question being on laying the bill on the table,

Messrs. Buskirk and Hester demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gwinn, Hadsell,

Hall of Laporte, Hall of Warren, Harryman, Hillyer, Hudson, Logan, McConnell, McCord, McMurry, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sidwell, Sims, Shauks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Todd, Trusler, Turner, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Carnahan, Clark of Jasper, Clark of Tippecanoe, Hargrove, Hester, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lewis, Lowe, McClure, McFarland, Miller, Montgomery, Peckenpaugh, Sanford, Schoonover, Shull, Smith of Perry, Studabaker, Tanner, Walpole, Wilson, and Wheeler—28.

So the bill was laid on the table.

Mr. Studabaker moved to suspend the order of business in order to take up a message from the Senate in regard to the election of United States Senator, which is as follows:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following preamble and resolution thereof:

WHEREAS, There is no law on the Statute book providing for the election of United States Senator, and in the absence of any statutory provision, it is competent for the Legislature to prescribe by resolution, the manner of appointment, and the person to be appointed, therefore,

Resolved, The House of Representatives concurring therein, that Isaac Blackford be, and he is hereby appointed and chosen Senator in Congress from the State of Indiana, for the term of six years, from and after the 4th day of March next, and that the Governor give to said appointee a certificate under his seal of office of his said election.

In which the concurrence of the House is respectfully requested. The question being put,

Messrs. Studabaker and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Buskirk, Carnahan, Clark of Jasper, Clark of Tippecanoe, Crozier, Essex, Hargrove, Harryman, Hester, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Lowe, McClure, McFarland, Merrifield, Miller, Montgomery, Schoonover, Shull, Smith of Lagrange, Smith of Perry, Studabaker, Sturgis, Tanner, Walpole, and Wheeler—30.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hillyer, Hudson, Logan, McConnell, McCord, McMurry, Meredith, Monks, Murray, Newcomb, Peckenpauqh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—46.

So the House refused to take up the message.

On motion by Mr. Walpole,

Senate bill No. 174. A bill authorizing railroad, plank road and turnpike road, and McAdamized road companies to close up their business and dissolve their organizations,

Was taken up.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Meredith, Merrifield, Miller, Murray, Newcomb, Peckenpauqh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Trusler, Turner, Walpole, Wilson, Wheeler, and Mr. Speaker—76.

No one voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

House bill No. 173. A bill to provide for the erection and repair of bridges,

Was taken up.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hall of La porte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Humphreys, King of Madison, Lewis, Lowe, McConnell, McClure, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Shull, Smith of Lagrange, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Walpole, Wilson, and Wheeler—
77.

Mr. Hargrove moved to amend the title as follows:

Amend the title by adding thereto the following: And to repeal an act entitled 'An act to provide for the erection and repair of bridges,' approved May 22d, 1852.

Which amendment was adopted.

The title so amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Sturgis.

House bill No. 210. A bill to amend the 20th section of an act entitled "An act to incorporate the Fort Wayne and Columbia plank road company," approved January 21, 1850,

Was taken up.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hester, Hillyer, Hudson, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Martin, Mellett, Meredith, Merrifield, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, and Turner—69.

Those who voted in the negative were,

Messrs. Jeter and McMurry—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate refuse to recede from their engrossed amendments to engrossed bill of the House

No. 172. A bill to provide for a general system of common schools, the officers thereof, and respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof,

And insist upon said amendments.

Message from the Senate, by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their engrossed amendments to engrossed bill of the House No. 172, entitled "a bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," and have appointed Messrs. Tarkington and Shields a committee of free conference on the part of the Senate to act with a similar committee already appointed on the part of the House.

Mr. Frazer offered the following resolution:

Resolved, That a committee of free conference be appointed on the part of the House to take into consideration, with a similar committee on the part of the Senate, the disagreement between the two houses upon the engrossed amendments of the Senate to House bill No. 172, on the subject of the common schools.

Which was adopted.

Messrs. Frazer and Hester were appointed said committee on the part of the House.

Senate joint resolution No. 10. A joint resolution to distribute to Allen county fifty copies of the revised statutes.

Was read a second time.

Mr. Sturgis moved that the rules be suspended and the joint resolution read a third time.

The question being upon the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson, and Wheeler—74.

No one voted in the negative.

So the rule was suspended and the joint resolution read a third time,

The question then being,
Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Davis, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson and Wheeler—79.

So the joint resolution passed, no one voting in the negative.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 103. An act to amend section 19, of an act for the government of the Indiana Hospital for the Insane of Indiana
Was read a third time.

Mr. Hester offered the following amendments:
Add the following sections:

Sec. —. When such certified account shall be received by the treasurer of the proper county to whom it shall be immediately sent, upon its reception by the Treasurer of State from such superintendent, such treasurer shall cause the same to be paid out of the county treasury to the Treasurer of State; and such county treasurer shall collect the amount of such account from the estate of such patient or pupil, if he have any, by suit, if necessary, in the name of the county: *Provided*, that if such patient or pupil have a family, at least five hundred dollars of his property shall be exempt from the payment of such account; and suits for the collection of such account, may be commenced in the county in which the account is certified, but the court in which it is instituted shall appoint a guardian *ad litem* for such patient or pupil, and if he have a wife, shall cause at least twenty days notice of the commencement of such suit, to be given her in writing; and no other notice of such suit, except as herein provided, shall be required.

Amend by inserting after the word 'patent,' in the first line of the first amended section, the following: 'of the Hospital for the insane, and pupils of the blind asylum, and asylum for the deaf and dumb,' and after 'the,' in the third line of said section, the word 'proper,' and after the word 'patients,' in the sixth line of said section, the following: 'and pupils,' and after the word 'hospital,' in the eleventh line of said section, the following: 'Institute for the blind, or asylum for the deaf and dumb, as the case may be,' and at the end of the first section, the following: 'Institute for the blind, and asylum for the deaf and dumb.'

Sec. —. All laws and parts of laws coming in conflict with this act be, and the same is hereby repealed.

Which were unanimously adopted.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gordon, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpough, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tacket, Tanner, Test, Thomas, Todd, Trusler, Turner, Usry, Wilson, Wheeler, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Clark of Rush, Gibson, and Trusler—3.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

House bill No. 74. A bill to regulate the taking of appeals from the court of common pleas and from justices of the peace,

Was read a third time.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Steuben, Coen, Dickerson, Fouts, Frazer, Gifford, Gilham, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Lewis, Lowe, McConnell, McCord, McClure, McFarland, Meredith, Merrifield, Monks, Peckenpaugh, Shanks, Shryock, Smith of Lagrange, Shull, Stanton, Studabaker, Test, Thomas, Turner, Wilson, Wheeler, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Rush, Clark of Tippecanoe, Crozier, Ellis, Essex, Gwinn, Hadsell, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Logan, McClure, McMurry, Malick, Miller, Montgomery, Newcomb, Peden, Sanford, Sims, Smith of Perry, Spotswood, Sturgis, Tackett, Tanner, Todd, and Trusler—40.

So the bill did not pass for want of a constitutional majority.

Mr. Sturgis moved to suspend the order of business and take up

Senate bill No. 29. A bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies;

Which motion did not prevail.

On motion by Mr. Buskirk,

House bill No. 236. A bill making specific appropriations for the year 1855,

Was taken up.

HJ-54.

Mr. Newcomb offered to amend section —, as follows:

SEC. 63. That the sum of four thousand dollars be, and the same is hereby appropriated, for the purpose of paying the fees of attorneys who have been employed by the Governor, Superintendent of Public Instruction, and executive officers, during the last two years to attend to suits on behalf of the State; and the Governor, Auditor, and Treasurer of State are hereby directed to investigate and determine the amount that is due to such persons, and the amount certified by such officers to be just and due shall be paid upon warrant of the Auditor of State; *Provided*, That the Governor, Auditor, and Treasurer of State shall require satisfactory evidence of the amount of the services rendered, and that it is expressly understood that the sum of four thousand dollars shall not be paid, unless such officers shall be satisfied that that sum is required to discharge the amount found to be just and proper.

Mr. Newcomb moved to strike out the section allowing the Governor twenty-five cents for signing swamp land patents, &c., and allow him one thousand dollars for the services therein named.

Mr. Hester moved to amend the amendment, by striking out of same section "twenty-five cents," and inserting "twelve and one-half cents" for signing patents for swamp land patents.

The question being on the adoption of Mr. Hester's amendment, Messrs. Monks and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Crozier, Essex, Gifford, Gwinn, Hargrove, Harryman, Hester, Hudson, Humphreys, Jeter, Landers, Lemmon, Logan, Lowe, McFarland, Malick, Meredith, Miller, Montgomery, Sanford, Schoonover, Sidwell, Shull, Smith of Perry, Spotswood, Stanton, Studabaker, Tanner, Test, Thomas, Walpole and Wilson—34.

Those who voted in the negative were,

Messrs. Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Dickerson, Dunn, Ellis, Fouts, Frazer, Hadsell, Hall of Laporte, Hall of Warren, Hervey, King of Johnson, King of Madison, Lewis, McConnell, McCord, McMurry, Mellett, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sims, Shanks, Shryock, Smith of La-grange, Sturgis, Tackett, Todd, Trusler, Turner and Wheeler—40.

So the amendment was not adopted.

Mr. Hester moved to strike out "25 cents" in section —, and insert "12½ cents" in lieu thereof.

Which motion prevailed.

Mr. Meredith moved that the bill be considered as engrossed, and read a third time.

Mr. Sturgis moved to re-consider the vote on allowing committee clerks \$4 per day.

Mr. Newcomb moved to amend as follows:

The assistant doorkeepers of the Senate and House of Representatives, and the clerks of the committees of each house shall each receive \$3 per day during the time they have actually been employed as such; the number of days which the assistant doorkeepers have served shall be certified by the principal doorkeepers of their respective houses, and the number of days which the clerks of committees have served in the actual employment of such committees shall be certified by the chairman of the several committees. But if any clerk shall have served on more than one committee on the same day, he shall receive pay for but one committee nor shall any clerk receive pay for more than 60 days.

Mr. Buskirk moved to amend the amendment as follows, to-wit:

Except the clerks to the committee on ways and means, clerk of the committee on finance of the Senate, who shall receive \$1 per day.

Which motion prevailed.

The question then being on the adoption of the amendment as amended,

Mr. Studabaker moved to amend the amendment to-wit: by allowing the clerk to the Senate committee on finance \$4 per day.

Which was not adopted.

The question then recurring on the adoption of the amendment of Mr. Newcomb,

It was adopted.

Mr. Coen offered to amend by adding the following section:

Sec. —. The sum of three hundred dollars is hereby appropriated to H. E. Wilson, for the purpose of completing and patenting a machine known as the Indiana corn cutter; the above amount to be paid when said Wilson presents to the Governor, Auditor and Treasurer of State a working model of said machine, approved by the State Board of Agriculture together with a bond in which he shall bind himself to give the inhabitants of this State free use of said machine.

Which was not adopted.

On motion by Mr. Buskirk,

The bill was considered as engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Branham, Brazelton, Buchanan, Buskirk, Cain, Clark of Tippecanoe, Clark of Union, Dickerson, Dunn, Ellis, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Lewis, Logan, McConnell, McCord,

McClure, McFarland, Malick, Mellet, Meredith, Montgomery, Murray, Newcomb, Peden, Sanford, Schoonover, Sidwell, Sims, Shryock, Smith of Perry, Spotswood Stanton, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner. Wheeler and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Bonner, Brothwell, Carnahan, Clark of Steuben, Fouts, Landers, McMurry, Merrifield, Monks, Peckenpaugh, Shanks, Shull, Smith of Lagrange, and Studabaker—15.

So the bill bassed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution of the House, viz;

No. 24. A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co. against the State, and report the testimony in relation thereto to the next General Assembly, with sundry engrossed amendments of the Senate thereto.

In which the concurrence of the House is respectfully requested,

Engrossed amendments of the Senate to engrossed joint resolution of the House, No. 24. Add as follows:

AND WHEREAS, H. K. Wright and Jacob Barcus also have a claim against the State of Indiana, for moneys due on contract for the construction of said canal prior to the transfer thereof to said board of trustees of said Wabash and Erie Canal; AND WHEREAS, there is the same difficulty in getting a full investigation of said claim before the appropriate committees of the respective branches of the Legislature that there is in the claim above provided for, although your committee are of opinion that said claim should be investigated, and if just, paid; AND WHEREAS, such claim, if found just, is also chargeable upon said canal, Therefore,

SEC. 4. *Be it further resolved*, That the said Attorney General be, and he is hereby directed to investigate the said claim of the said Wright and Barcus, and to report the testimony relative thereto to the ensuing session of the General Assembly in like manner provided for in the case of Moorehead, Hall & Co.

SEC. 5. *Be it further resolved*, That the said Attorney General be, and he is hereby directed to give the same notice, and to conduct his examination of the said claim of said Wright and Barcus, and make his report thereof in the same manner as provided in the

second and third sections of these resolutions, and that all expenses of said investigation shall be paid by the said Wright and Barcus.

Also, amend the title by inserting the names of H. K. Wright and Jacob Barcus, after "Co."

The House refused to concur in the amendment of the Senate.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 192. A bill to provide for the printing of the laws of the present session of the General Assembly.

In which the concurrence of the House is respectfully requested.

Mr. Peden moved to take up

Senate bill No. 192. A bill to provide for the printing of the laws of the present General Assembly ;

Which motion prevailed.

The bill was taken up and read a first time.

Mr. Hudson moved to suspend the rules that the bill may be read a second time.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Alden, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Melett, Meredith, Merrifield, Miller, Murray, Newcomb, Peckenpough, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studa-baker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler and Turner—76.

So the rules were suspended and the bill read a second time.

Mr. Hudson moved to suspend the rules and read the bill a third time.

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell,

Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Crozier, Davis, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, Jeter, King of Johnson, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Thomas, Todd, Trusler, Turner, Wilson, Wheeler and Mr. Speaker—76.

Mr. Landers voted in the negative.

So the rules were suspended and the bill read a third time.
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Cotton, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Hunt, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wheeler, and Mr. Speaker—9.

No one voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Clark of Tippecanoe,

Senate bill No. 185. A bill to provide for the leasing of county seminaries, where they have been erected upon land conveyed upon a condition that such lands and the buildings should be used for seminary purposes only and town or public meetings,

Was taken up read a third time,

When,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hillyer, Hudson, Jeter, King of Johnson, Landers, Lewis, McConnell, McCord, McMurry, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Peyton, Sanford, Schoonover, Sims, Shanks, Shryock, Spotswood, Sturgis, Tackett, Thomas, Turner, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Carnahan, Clark of Union, Crozier, Essex, King of Madison, Lenimon, McClure, McFarland, Mellett, Miller, Shull, Smith of Lagrange, and Todd—13.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Monks,

Senate bill No. 55. A bill to regulate the taking of appeals from the court of common pleas and to legalize the appeals heretofore taken,

Was taken up,

When,

On motion by Mr. Murray,

The bill was laid on the table.

On motion by Mr. McConnell,

House bill Mo. 109. A bill relative to the salaries of public officers, and providing the manner of paying the same,

Was taken up and read a third time.

Mr. Hester moved to re-commit the bill with instructions to strike out \$1500 as the salary of circuit judges, and insert \$1000.

On motion by Mr. Hudson,

The House adjourned till 7 o'clock P. M.

7 o'clock, P. M.

The House met pursuant to adjournment.

Senate joint resolution No. 11. A joint resolution authorizing the Auditor of State to burn canceled State stock paper in certain cases therein specified, and specifying who shall pay for such services,

Was taken up and read a second time, and passed to a third reading.

Mr. Wilson obtained leave and introduced the following resolution :

Resolved, That ten thousand copies of the respective messages of the Governor vetoing both the State Bank and Free Bank bills, together with the ayes and noes on the final passage, be printed, and that the Secretary of State be instructed to superintend such printing, and to have said messages distributed for the use of the House.

Mr. Test moved to lay the resolution on the table.

The question being on laying the resolution on the table, Messrs. Merrifield and Test demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Dunn, Ellis, Fouts, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hillyer, Hudson, Lewis, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Monks, Montgomery, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shanks, Smith of Lagrange, Stanton, Tackett, Test, Todd, Trusler, and Turner—46.

Those who voted in the negative were,

Messrs. Buskirk, Clark of Jasper, Clark of Tippecanoe, Crozier, Earl, Essex, Hargrove, Hester, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Logan, McClure, McFarland, Miller, Shryock, Shull, Smith of Perry, Spotswood, Studabaker, Sturgis, Tanner, Thomas, Walpole, Wilson, and Mr. Speaker—27.

So the resolution was laid on the table.

Messages from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House.

No. 235. A bill to authorize the establishment of public schools in the incorporated cities and towns and in the civil townships of the several counties of the State of Indiana,

With sundry engrossed amendments of the Senate thereto in which the concurrence of the House is respectfully requested.

Engrossed amendments of the Senate to engrossed bill of the House No. 235. A bill to authorize the establishment of public schools in the incorporated cities and townships and in the civil townships of the several counties of the State of Indiana.

Amend as follows:

Strike out all of section 2;

Strike out 'and civil township,' 'and townships,' when they occur in the bill;

Amend the title by striking out the words 'and towns, and in the civil townships.'

The House refused to concur in the amendment.

Message from the Senate by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz:

No. 214. A bill to apportion the Senators and Representatives for the next six years.

With one engrossed amendment of the Senate thereto,

In which the concurrence of the House is respectfully requested.

Engrossed amendment of the Senate to engrossed bill of the House, No. 214. A bill to apportion the Senators and Representatives for the next six years.

Strike out from the enacting clause and insert the following:

Sec. 1. That for the purpose of electing Senators to the General Assembly of this State for the ensuing six years, the State shall be, and hereby is divided into the following districts, each of which shall be entitled to one Senator:

Steuben and DeKalk, one;

Elkhart and Lagrange, one;

Noble, Kosciusko, and Whitley, one;

Huntington and Wells, one;

Allen and Adams, one;

Randolph and Jay, one;

Delaware, Blackford, and Grant, one ;
 Miami and Wabash, one ;
 Cass, Pulaski, and Howard, one ;
 St. Joseph, Marshall, Fulton, and Starke, one ;
 Laporte, Lake, and Porter, one ;
 Warren, Benton, Jasper, and White, one ;
 Clinton and Carrol, one ;
 Hamilton, Tipton, and Boone, one ;
 Tippecanoe, one ;
 Fountain, one ;
 Parke and Vermillion, one ;
 Vigo, Sullivan, and Clay, one ;
 Putnam, one ;
 Montgomery, one ;
 Hendricks, one ;
 Morgan, one ;
 Marion, one ;
 Madison and Hancock, one ;
 Orange and Crawford, one ;
 Martin, Knox, and Daviess, one ;
 Harrison, one ;
 Floyd, one ;
 Warrick, Spencer, and Perry, one ;
 Posey and Vanderburgh, one ;
 Pike, Gibson, and Dubois, one ;
 Henry, one ;
 Wayne, one ;
 Union and Fayette, one ;
 Rush, one ;
 Franklin, one ;
 Shelby, one ;
 Johnson, one ;
 Owen and Green, one ;
 Monroe and Brown, one ;
 Bartholomew and Jennings, one ;
 Decatur, one ;
 Dearborn, one ;
 Ripley, one ;
 Switzerland and Ohio, one ;
 Jefferson, one ;
 Jackson and Scott, one ;
 Clark, one ;
 Washington, one ;
 Lawrence, one ;

Sec. 2. The Representatives to the General Assembly, for the ensuing six years, shall be apportioned among the several counties of this State as follows :

Wayne, Dearborn, Marion, Franklin, Sullivan, Jefferson, Allen, Montgomery, and Vigo, shall each elect two ;

Noble, Whitley, Wabash, Grant, Miami, Kosciusko, Lagrange, St. Joseph, Fulton, Cass, Laporte, Porter, Lake, Carroll, Warren, Clinton, Union, Dekalb, Steuben, Fayette, Hancock, Parke, Fountaine, Vermillion, Owen, Morgan, Johnson, Shelby, Decatur, Ripley, Jennings, Bartholomew, Monroe, Brown, Green, Knox, Daviess, Martin, Gibson, Pike, Dubois, Lawrence, Jackson, Scott, Orange, Harrison, Washington, Crawford, Perry, Spencer, Warlick, Vanderburgh, Elkhart, Hendricks, Adams, Jay, Blackford, Delaware, Randolph, Henry, Clark, Floyd, and Hamilton, shall each elect one;

Switzerland and Ohio shall elect one jointly;

Huntington and Wells shall elect one;

Marshall and Starke shall jointly elect one;

White and Benton shall jointly elect one;

Pulaski and Jasper shall jointly elect one;

Howard and Tipton shall jointly elect one;

Madison, Boone, Posey, and Clay shall each elect two in the years 1856 and 1860, and one in the year 1858;

Rush, Tippecanoe, and Putnam shall each elect two in the year 1858, and one in the years 1856 and 1860;

Henry shall elect one additional one in the year 1858.

Mr. Hudson moved that the House refuse to concur in the amendments of the Senate.

Messrs. Humphreys and Walpole demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hevey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Alden, Buskirk, Clark of Jasper, Crozier, Hargrove, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Miller, Montgomery, Peden, Schoonover, Shanks, Shull, Smith of Perry, Studabaker, Sturgis, Tanner, Walpole and Wheeler—25.

So the amendments of the Senate were not concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. King of Johnson moved to take up

Senate bill No. 180. A bill supplemental to and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and for the suppression of intemperance."

The question being on taking up said bill,

Messrs. King of Johnson and Fouts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Buskirk, Clark of Rush, Crozier, Hargrove, Hester, Hillyer, Humphreys, Jeter, King of Johnson, Lemmon, Lewis, Logan, McClure, McFarland, Miller, Montgomery, Schoonover, Shull, Studabaker, Sturgis, Tanner, Walpole, and Wheeler—25.

Those who voted in the negative were,

Messrs. Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hudson, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Turner, and Mr. Speaker—51.

So the bill was not taken up.

Mr. Frazer, from the committee on free conference, upon the subject of House bill No. 172. An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish libraries, and for the regulation thereof, made the following report:

MR. SPEAKER:

The committee of free conference, appointed by the House to consider with a similar committee on the part of the Senate the disagreeing votes between the two houses upon the engrossed amendments of the Senate to engrossed bill of the House No. 172, have attended to those duties, and have agreed to recommend that the Senate recede from its second amendment, and also that the Senate recede from its first amendment with the following exception, and that the House concur therein.

Amend by striking out the 97th section in House bill, and inserting the following in lieu thereof:

SEC. 97. The State Superintendent shall annually, by the fourth Monday in April in each year, make out a statement showing the number of scholars in each county of the State, the amount of the income of the common school fund in each county for distribution, and the amount of taxes collected for school purposes, and shall ap-

portion the same to the several counties of the State according to the enumeration of scholars therein without taking into consideration the congressional township fund in such distribution.

The question being on concurring in the report of the committee of conference,

It was decided in the affirmative.

Mr. Buskirk moved to take up

Senate bill No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre;

Which motion prevailed.

Mr. Buskirk moved to refer the bill to a select committee with instructions to strike out the 3d section, and all of the 4th section after the word "patent," in 9th line;

Which motion prevailed.

Messrs. Buskirk, Murray, and Meredith were appointed said committee.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution thereof, viz:

No. 11. A joint resolution authorizing the Auditor of State to burn canceled State stock paper in certain cases therein specified, and specifying who shall pay for such services;

In which the concurrence of the House is respectfully requested.

Mr. Bonner moved to take up

House bill No. 97. A bill to provide for the listing of the stock and other property of railroad companies, and for the collection of taxes thereon;

Which motion prevailed.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Buchanan, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hillyer, Hudson, Humphreys,

Lewis, McConnell, McCord, McFarland, McMurry, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Spotswood, Stanton, Sturgis, Tackett, Test, Todd, Trusler, Turner, Wheeler and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Carnahan, Crozier, Hargrove, King of Madison, Lemmon, McClure, Miller, Montgomery, Peden, Shanks, Shull, Smith of Perry, Studabaker, Tanner, Thomas, and Wilson—21.

So the bill passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Buskirk, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred Senate bill No. 55, with instructions, have amended the same as directed and recommend its passage.

No. 55. A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchaser paid over one dollar and twenty-five cents per acre.

The report was concurred in,

And the question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bonner, Branham, Buskirk, Cain, Clark of Rush, Dickerson, Dunn, Earl, Ellis, Fouts, Frazer, Gifford, Gilham, Hillyer, McConnell, McCord, Meredith, Murray, Sanford, Shryock, Stanton, Tack Test, Todd, Turner, Wheeler and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Alden, Beach, Brazelton, Buchanan, Burnett, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Coen, Cotton, Crozier, Essex, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hudson, Humphreys, Jeter, King of Johnson, Landers, Lemmon, Lewis, McClure, McFarland, McMurry, Malick, Merrifield, Miller, Monks, Montgomery, Peckenpaugh, Shanks, Shull, Smith of Lagrange, Spotswood, Studabaker, Sturgis, Tanner, Thomas, Trusler, and Wilson—41.

So the bill did not pass.

On motion by Mr. Murray,
The vote was reconsidered, and the bill was referred to a select committee with instructions to strike out all provisions therein for refunding money to said purchasers.

Which motion prevailed.

Messrs. Murray, Newcomb, and Buskirk were appointed said committee.

On motion by Mr. Hester,

Senate bill No. 125. A bill to amend section 21 of an act entitled "an act to incorporate the Franklin and White River Turnpike Company,"

Was taken up and read a third time.

The question then being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Branham, Buchanan, Buskirk, Clark of Rush, Clark of Tippecanoe, Coen, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hargrove, Harryman, Hester, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, McCord, McFarland, McMurry, Malick, Mellett, Meredith, Miller, Murray, Newcomb, Peden, Sanford, Schoonover, Shanks, Smith of Perry, Stanton, Studabaker, Sturgis, Tanner, Thomas, Trusler, Wheeler and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Beach, Bonner, Brazelton, Burnett, Carnahan, Clark of Steuben, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hillyer, Lemmon, McConnell, Merrifield, Monks, Montgomery, Peck-empaugh, Sims, Shryock, Shull, Smith of Lagrange, Spotswood, Todd, Turner, and Wilson—26.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Newcomb,

House bill No. 202. An act to provide for the appropriation of certain school funds raised for specific purposes, where those purposes have been abandoned,

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hillyer, Humphreys, King of Madison, Landers,

McConnell, McFarland, Meredith, Merrifield, Miller, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Schoonover, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Turner, Wheeler, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Crozier, Hargrove, Hester, King of Johnson, Lemmon, Lewis, Shull, Tanner, Trusler, and Wilson—13.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Buskirk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 55. have amended the same by striking out the third section of said bill, and all of the fourth section after the word 'patent,' in ninth line, as directed:

Amend the bill as follows:

1st. Strike out the third section.

2d. Strike out the fourth section after the word 'patent,' in the ninth line.

The report was concurred in and the amendments adopted.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, McConnell, McCord, McClure, McFarland, McMurphy, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpaugh, Peden, Sanford, Sidwell, Sims, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Burnett, Crozier, and Shanks—3.

So the bill passed.

Mr. Buskirk moved to amend the title, by striking out all of the title after the word "Indiana."

Which motion prevailed.

The title as amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Meredith,

Senate bill No. 132. A bill in relation to the assessment of damages against railroad companies,

Was taken up.

The bill was read a third time, and

On motion,

Laid on the table.

House bill No. 159. A bill to establish tobacco inspection in the State of Indiana,

Was taken up.

The bill was read a third time,

When,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, McConnell, McCord, McMurry, Malick, Meredith, Merrifield, Miller, Murray, Newcomb, Peckempaugh, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Sturgis, Tackett, Test, Thomas, Trusler, Turner, Wheeler, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Clark of Tippecanoe, McClure, McFarland, Spotswood, and Todd—5.

So the bill passed.

Mr. Buskirk moved to amend the title so as to read as follows, to-wit:

A bill to establish tobacco inspection, and sales and fees therefor, in the State of Indiana.

Which was adopted.

The title as amended was then adopted.

Ordered, That the clerk inform the Senate thereof.

55-HJ.

Message from the Senate by Mr. Newland, their Assistant Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House :

No. 236. A bill making specific appropriations for the year 1855.

With sundry engrossed amendments of the Senate thereto,
In which the concurrence of the House is respectfully requested.

Engrossed amendments of the Senate to engrossed bill of the House No. 236, a bill making specific appropriations for the year 1855.

Add the following sections :

Sec. 1. That Stewart & Bowen be allowed the sum of twenty dollars and seventy cents for stationery furnished for the use of the Senate.

Sec. 2. That H. A. Fletcher be allowed the sum of four dollars and fifteen cents for stationery furnished for the use of the Senate.

Sec. 3. That J. M. Talbott & Co. be allowed the sum of three dollars for stationery furnished for the use of the Senate.

Sec. 4. That D. R. Eckles be allowed the sum of one hundred dollars for services as attorney for the State.

Sec. 5. That Henry Secrest be allowed the sum of one hundred dollars as attorney for the State.

Sec. 6. That James Nesbitt and Henry Pierce be each allowed the sum of one hundred dollars for services rendered in the arrest of Nicholas Evans, a criminal.

Sec. 7. That Benjamin P. Fuller, be allowed the sum of one hundred dollars for pursuing and arresting George Watts, charged with murder.

Sec. 8. That Nathan Compton be allowed seventy-five dollars for assisting in the arrest of Henry Presnel, a fugitive from justice.

Sec. 9. That Craighead & Browning be allowed the sum of nineteen dollars and sixty-one cents for stationery furnished for the use of the Senate.

Sec. 10. That A. Graydon & Son be allowed the sum of thirty-five cents for stationery furnished for the use of the Senate.

Sec. 11. That Wm. A. Porter be allowed the sum of twenty-five dollars for services as prosecuting attorney of second judicial circuit.

Sec. 12. That Charles G. Warner be allowed the sum of one hundred and thirteen dollars, for expenses attending and services rendered in the Huntington county contested election case.

Sec. 13. That Joseph Wiley, Joseph Chesborough, Samuel Mahon, S. J. Johnson, W. Norton, John Roche, W. C. Smith, and Samuel Milligan be each allowed the sum of thirty-three dollars for

mileage and attendance as witnesses for the Huntington county contested case.

Sec. 14. That John D. Fisher and Jonathan Lewis be each allowed the sum of thirty-five dollars and forty cents, for mileage and attendance as witnesses in the Huntington county contested election.

Sec. 15. That Michael Miller be allowed the sum of thirty dollars for mileage and attendance as witness in the Huntington county contested election.

Sec. 16. That Bowen Hale be allowed the sum of thirty-three dollars and twenty-five cents for mileage and attendance in the Huntington county contested election.

Sec. 17. That John D. Howland be allowed the sum of three hundred dollars for services as attorney in certain cases arising under the school law of 1852.

Sec. 18. That Daniel D. Jones be allowed the sum of twenty dollars for services for prosecuting a State case by order of the judge of the 4th judicial circuit.

Sec. 19. That Wm. B. Taylor be allowed the sum of sixteen dollars for clearing up and opening up the Senate chamber and services as doorkeeper.

Sec. 20. That Austin H. Brown be allowed the sum of one hundred and four dollars for Debates of the Constitutional Convention furnished by order of the Senate.

Sec. 21. That the heirs of William Sill, deceased, be allowed the sum of three thousand dollars for work, labor and materials furnished for use of the Wabash and Erie canal, at the mouth of Wea creek, Tippecanoe county.

Sec. 22. Amend section 2, by adding after "finance" "and judiciary."

Sec. 23. Also add after "J. S. Dew," "and William Bigler, assistant doorkeeper of the Senate."

Sec. 24. In the section allowing J. W. Wright 12½ cents for deeds to each tract of swamp lands, strike out and insert 20 cents.

Sec. 25. That William T. Otto and John S. Davis be allowed the sum of three hundred dollars for professional services rendered at the request of the Warden of the State Prison in thirty cases on *habeas corpus* in the Floyd, Clark, and Lawrence circuit courts.

Sec. 26. That the sum of five thousand dollars be appropriated to the colonization board for the purposes of African colonization, to be expended according to the existing colonization laws.

Sec. 27. The judges of the Supreme Court are hereby required to make such allowance to Reuben A. Riley, late Prosecuting Attorney in the 5th judicial circuit as they may think just and right, for causes submitted and briefed by him in the Supreme Court while he was such prosecuting attorney, wherein the State was a party, to be audited and paid as other appropriations.

Sec. 28. That there be allowed to Geo. W. Chapman the sum

of thirty-eight dollars for taking depositions, &c., in the counties of Huntington and Wells.

Sec. 29. Add to section 11, "the principal clerk being sick."

Sec. 30. Strike out \$3 and insert \$4 per day as the allowance to clerks of the committees.

Sec. 31. Strike out \$1 and insert \$3 per day as the allowance to the doorkeepers.

Sec. 32. Strike out the words "one-fourth of one per cent." upon the amount of said fund by him received, and one-fourth of one per cent. by him disbursed," and insert in lieu thereof "five hundred dollars for receiving and disbursing the swamp land fund."

The amendments were read, and,

On motion,

Concurred in separately.

The first amendment was concurred in.

The second amendment was concurred in.

The third amendment was concurred in.

The fourth amendment was not concurred in.

The fifth amendment not concurred in.

The sixth amendment was not concurred in.

The seventh amendment was not concurred in.

The eighth amendment was not concurred in.

The ninth amendment was concurred in.

The tenth amendment was concurred in.

The eleventh amendment was concurred in.

The twelfth amendment was concurred in.

The thirteenth amendment was concurred in.

The fourteenth amendment was concurred in.

The fifteenth amendment was concurred in.

The sixteenth amendment was concurred in.

The seventeenth amendment was not concurred in.

The eighteenth amendment was concurred in.

The nineteenth amendment was concurred in.

The twentieth amendment was concurred in.

The twenty-first amendment was concurred in.

The twenty-second amendment was concurred in.

The twenty-third amendment concurred in.

The twenty-fourth amendment was not concurred in.

The twenty-fifth amendment was concurred in.

The twenty-sixth amendment was not concurred in.

The question being on concurring in the twenty-seventh amendment,

Messrs. Hester and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Dunn, Ellis, Essex, Frazer, Gifford, Gilham,

Gwinn, Hall of Laporte, Hervey, Hillyer, Hudson, Jeter, Landers, McConnell, McCord, McMurry, Meredith, Merrifield, Miller, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Alden, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Fouts, Hadsell, Hall of Warren, Hargrove, Hester, Humphreys, King of Johnson, King of Madison, Lemmon, McClure, Peckenpaugh, Smith of Perry, Sturgis, Wilson, and Wheeler—24.

So the amendment was concurred in.

The twenty-eighth amendment was concurred in.

The twenty-ninth amendment was concurred in, with the following amendment:

That the first assistant clerk of the principal clerk of the House certify to the time of the assistants of the principal clerk of the House.

The thirtieth amendment was not concurred in.

The thirty-first amendment was not concurred in.

The thirty-second amendment was not concurred in.

Message from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have receded from their engrossed amendment to engrossed bill of the House, No. 172, with the following exception:

Strike out the 97th section of said bill and insert in lieu thereof the following:

Sec. 97. The State Superintendent shall, annually, by the 4th Monday in April, in each year, make out a statement showing the number of schools in each county of the State, the amount of the income of the common school fund in each county for distribution, and the amount of taxes collected for school purposes, and shall apportion the same to the several counties of the State according to the enumeration of scholars therein, without taking into consideration the congressional township fund in such distribution; and that the Senate insist upon the Senate's amendment to the first section of the bill, and that they have appointed Messrs. Spann and Slater a committee of free conference on the part of the Senate to act with a similar committee, which the Senate requests may be appointed by the House.

On motion by Mr. Hester,

The House refused to concur in the amendments of the Senate;

On motion by Mr. Murray,

A committee of free conference, to meet a similar committee on the part of the Senate,

Messrs. Murray and Humphreys were appointed said committee.

Mr. Meredith moved to reconsider the vote on refusing to concur in the amendment of the Senate to House joint resolution No. 24,

Which motion prevailed.

The question then being upon concurring in the amendment, It was concurred in.

On motion by Mr. Sanford,

Joint resolution No. 11. A joint resolution authorizing the Auditor of State to burn cancelled state stock paper in certain cases therein specified, and specifying who shall pay for such services,

Was taken up and read a second time.

Mr. Sanford moved that the rules be suspended and the joint resolution read a third time now.

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, McConnell, McCord, McClure, McFarland, Malick, Mellett, Meredith, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Studabaker, Tackett, Tanner, Test, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—67.

No one voted in the negative.

So the rule was suspended and the joint resolution read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Beach, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dick-

erson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, McConnell, McCord, McClure, McFarland, McMurry, Malick, Meredith, Merrifield, Murray, Newcomb, Peckenpough, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Weir, Wilson and Mr. Speaker—67.

No one voted in the negative.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Murray, from the committee on free conference on the part of the Senate and House, made the following report :

MR. SPEAKER :

The joint committee of free conference on the part of the Senate and House, on House bill No 172, a bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, &c., have agreed that the House concur in the amendment of the Senate.

The question being on concurring in the report.

Messrs. Hester and Humphreys demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Cain, Carnahan, Clark of Jasper, Clark of Rush, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Ellis, Essex, Fouts, Frazer, Gifford, Gilham, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hudson, Humphreys, King of Johnson, Landers, Lemmon, McConnell, McCord, McClure, Malick, Meredith, Merrifield, Murray, Sanford, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Studabaker, Sturgis, Tackett, Tanner, Test, Thomas, Todd, Turner, Wheeler and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Buskirk, Gwinn, Hester, Jeter, King of Madison, Newcomb, Peckenpough, Stanton and Wilson—9.

So the report was concurred in.

On motion by Mr. Buskirk,

Senate joint resolution No. 9. A joint resolution in relation to the three per cent. fund, and appointing the Governor to settle the same;

Was taken up and read a second time.

Mr. Buskirk moved to suspend the rules and read the bill a third time.

The question being on suspending the rules,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Fouts, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hill-
yer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, McConnell, McCord, McClure, Malick, Merrifield, Monks, Murray, Peden, Peyton, Sanford, Sidwell, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson and Wheeler—59.

Those who voted in the negative were,

Messrs. Alden, Clark of Rush, Ellis, Newcomb, Peckenpaugh, Sims, Shryock and Stanton—8.

So the rules were suspended, and the joint resolution read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Carnahan, Clark of Jasper, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Dunn, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Hervey, Hester, Hudson, Humphreys, King of Johnson, King of Madison, Landers, Lemmon, McConnell, McCord, McClure, Malick, Merrifield, Murray, Sanford, Sidwell, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Spotswood, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Turner, Wilson, Wheeler, Wood, and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Clark of Rush, Ellis, Jeter, Newcomb, Sims, Stanton, and Trusler—7.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have receded from engrossed amendments of the Senate Nos 4, 5, 6, 7, 8, 17, 26, 30, 31, and 32, and insist upon No. 24 to engrossed bill of the House No. 236, " a bill making specific appropriations for the year 1855 " ; and have appointed Messrs. Suit and Alexander a committee of free conference on the part of the Senate to act with a similar committee which they request may be appointed on the part of House ; and have concurred in engrossed amendment of the House to engrossed amendment of of the Senate No. 29 to said bill.

Mr. Hester moved that the House refuse to recede from their disagreement of the Senate,

Which motion prevailed.

On motion by Mr. Hester,

A committee of free conference was appointed.

Messrs. Hester and Murray were appointed said committee,

Mr. Murray, from the committee of free conference, obtained leave and made the following report :

MR. SPEAKER :

The committee of free conference on the part of the Senate and House on House bill No. 236, " the specific appropriation bill," have consulted and have agreed that " twenty cents " be stricken out and " sixteen cents " inserted.

Which report was concurred in.

Message from the Senate by Mr. Turman, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have receded from engrossed amendment of the Senate No. 2 to engrossed bill of the House

No. 77. A bill to fix the time of holding the courts of common pleas, &c.,

And also, that the Senate have concurred in engrossed amendments of the House to engrossed amendments of the Senate to said bill No. 77.

Message from the Senate, by Mr. Turman, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the report of the committee of free conference on House bill No. 236, amending engrossed amendment of the Senate to said bill by striking out "twenty cents" and inserting "sixteen" in section 24.

Senate bill No. 97. A bill authorizing county recorders and county surveyors to issue fee bills,

Was read a third time.

The question being,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Bonner, Branham, Buchanan, Burnett, Buskirk, Cain, Clark of Jasper, Clark of Tippecanoe, Coen, Davis, Ellis, Fouts, Frazer, Gifford, Gilham, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hudson, King of Johnson, King of Madison, Landers, Lemmon, Lowe, McConnell, McCord, McClure, McMurry, Malick, Merrifield, Monks, Murray, Newcomb, Peckenpaugh, Sanford, Schoonover, Sidwell, Sims, Shaiks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Test, Thomas, Todd, Trusler, Turner, Wilson, Wheeler, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Beach, Carnahan, Clark of Rush, Clark of Steuben, Clark of Union, Crozier, Gwinn, Hadsell, Hervey, Humphreys, Jeter, Spotswood, and Tackett—13.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Message from the Senate, by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon her engrossed amendments to engrossed bill of the House No. 235, and have appointed Messrs. Crane and Parker a committee of free conference on the part of the Senate to act with a similar committee which they request to be appointed by the House.

Mr. Hillyer moved that the House concur in the amendments of the Senate without appointing a committee of free conference;

Which motion prevailed.

So the amendments of the Senate were concurred in.

Message from the Governor, by Mr. King, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 66. An act for the relief of Henry Wells, treasurer of the county of Lake.

No. 87. An act regulating the fees of officers, and repealing former acts in relation thereto.

No. 121. An act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location.

No. 161. An act for the preservation and collection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law.

No. 176. An act regulating the adoption of heirs.

No. 199. An act to repeal sections 2 and 3 of an act, entitled an act to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, approved March 4th, 1853, and declaring all licenses heretofore issued under said act null and void from and after the first Monday in April next.

No. 212. An act to raise a revenue for State purposes, for the years 1855 and 1856.

Which bills originated in the House of Representatives.

Message from the Senate, by Mr. Turman, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in engrossed amendment of the House to engrossed bill of the Senate,

No. 55. A bill to regulate the title to all those who purchased swamp lands, &c.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have carefully compared en-

rolled House bill No. 12 with the engrossed copy thereof of same number, and find the same correctly enrolled.

Mr. Carnahan, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bill No. 173 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 162, and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 27, 77, and 102 with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Clark of Rush, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bills Nos. 210 and 229, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Mr. Lowe, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House Nos. 87, 161, 212, 199, 66, 121, and 176 with the engrossed copies thereof and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 88 and 206 with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Carnahan, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 174, 118, 137, and 218, with the engrossed copies thereof and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined enrolled bill of the House No. 160 and have compared the same with engrossed copy thereof, and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled House bills Nos. 80, 52, and 105, with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Essex, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 232 and engrossed amendments of the House to Senate bill No. 178, and compared the same with the original copies thereof, and find that the same have been correctly engrossed.

Message from the Senate by Mr. Turman their Secretary;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed, without amendment, engrossed bill of the House:

No. 218. A bill making general appropriations for the years 1855 and 1856.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bill of the House, viz:

No. 202. A bill to provide for the appropriation of certain school funds raised for specific purposes when those purposes have been abandoned.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House without amendment.

No. 197. A bill to prevent fraud in the sale of flour, pork, beef, &c.

No. 206. A bill to amend an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, and declaring certain taxes legal and to provide for the manner of giving notices by the trustees of incorporated cities and towns.

No. 118. A bill to provide a site, system of government, and plans for the erection of a State house of refuge for the correction and reformation of juvenile offenders.

No. 173. A bill to provide for the erection and repair of bridges, approved May 22, 1852.

No. 174. A bill authorizing the State of Indiana, to relinquish her interest in the real estate herein set forth.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House without amendment:

No. 233. A bill declaring express companies to be common carriers and providing for the safety of articles entrusted to their care.

No. 209. A bill for the relief of William, Mary, Jane, Nancy,

and Eliza McConahay, step children of Jonas B. Wood of Daviess county and releasing to them certain real and personal property which escheated to the State.

Message from the Senate by Mr. Turman their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the engrossed bill of the House No. 93. A bill to amend an act entitled "an act to authorize and regulate the business of general banking ;"

The objections of his Excellency, the Governor, to the contrary notwithstanding.

Message from the Senate by Mr. Turman, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House without amendment.

No. 215. A bill to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State.

Message from the Senate by Mr. Turman their secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in engrossed amendments of the House to engrossed bill of the Senate

No. 103. A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane, and the care of the insane, approved June 15th, 1852.

Message from the Senate by Mr. Turman their secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in engrossed amendments of the House to engrossed bills of the Senate :

No. 140. A bill to provide for the government and discipline of the State Prison.

No. 179. A bill fixing the times of holding the courts in the fifth judicial circuit.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment:

No. 88. A bill to amend the 14th section of chapter 101, approved June 17, 1852, entitled "An act to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic, and Odd Fellows lodges, Sons and Daughters of Temperance and for the construction of cemeteries, houses of worship, or other buildings therein mentioned.

On motion by Mr. Stanton,
The House adjourned till Monday morning at 8½ o'clock A. M. next.

MONDAY MORNING, 8½ o'clock, }
March 5th, 1855. }

The House met pursuant to adjournment.

On motion by Mr. Tackett,
The reading of the journal was dispensed with, and so it was adopted.

On motion by Mr. Tackett,
Resolved, That a committee of three, on the part of the House, be appointed to act with a similar committee to be appointed by the Senate, to inform His Excellency, the Governor, that the General Assembly is about to adjourn *sine die*, and ascertain whether he has any further communications to make to either House of the Legislature, and that the Senate be requested to reciprocate this resolution.

Messrs. Tackett, Shryock, and Buskirk, were appointed said committee.

Mr. Tackett offered the following preamble and resolution :

WHEREAS, The door-keeper is limited to 61 days, and whereas, it is necessary that the hall of the House of Representatives and stationery room be righted up,

Resolved, That Messrs. Hubbard and Dew be each allowed pay for two days services over and above the 61 days.

Which was adopted.

Mr. Humphreys, from a select committee, made the following report :

MR. SPEAKER:

The select committee to whom was referred House bill No. 117, have had the same under consideration. and a majority thereof have directed me to report the same back with the accompanying amendments, and when so amended they recommend its passage.

First amendment :

Strike out of section six '1859,' and insert 1857.

Second amendment :

Add the following section :

Sec. —. Said Governor, Auditor, and Treasurer, shall require all banks organized under the act herein repealed, which have heretofore failed, or may hereafter fail, promptly to redeem their notes upon lawful demand, to deposit such additional securities (consisting of such bonds aforesaid) with said auditor as they shall deem sufficient to secure the bill holders, aforesaid, from loss: *Provided*, they shall not require more of the securities so to be deposited than forty per cent. over the face thereof, exclusive of interest thereon, and in case any such bank, when required so to do as aforesaid, shall not, within sixty days thereafter, deposit such additional securities with such auditor, said board shall cause such bank to be forthwith put in liquidation as herein provided.

Which was laid on the table without reading.

Butler Hubbard, door-keeper, made the following report :

MR. SPEAKER:

In obedience to a resolution of the House of Representatives the Doorkeeper makes the following report, viz: He has received from E. Newland, Treasurer of State, five hundred and fifty-four dollars and fifty cents worth of postage stamps, which have been equally distributed among the members of the House, including the principal clerk.

Respectfully submitted,

BUTLER HUBBARD, *Doorkeeper*.

Mr. Church, assistant doorkeeper of the House of Representatives, made the following report :

MR. SPEAKER:

I received of W. R. Nofsinger, Treasurer of State, \$267 50 to purchase post-office stamps, and distributed the same as follows: To the members and principal clerk, \$2 40 each, and the remainder to the assistant clerks and doorkeepers.

SYLVANUS CHURCH, *Ass't Doorkeeper.*

Mr. Hester, from a select committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bills Nos. 112, 131, and Senate bill No. 182, have had the same under consideration, and have directed me to report the same back and recommend that they be laid upon the table.

Which was laid on the table.

Mr. Test offered the following resolution :

Resolved, That the judges of the supreme court, and clerk thereof, be permitted to occupy so many of the committee rooms of the State House as may be deemed necessary for the transaction of their business, said rooms to be occupied during such times as there may be no Legislature in session. That the concurrence of the Senate be respectfully requested to this resolution, and if concurred in, that the assistant clerk of this House communicate the same to said judges.

Which was concurred in.

House Joint Resolution on First Reading.

No. 27. A joint resolution in relation to the pension claim of John Proctor, resident of Elkhart county ;

Was read a first time.

Mr. Frazer moved to suspend the rules, and read the joint resolution a second time.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall

of Warren, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McConnell, McCord, McClure, McFarland, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Smith of Perry, Stanton, Studabaker, Tackett, Tanner, Test, Thomas, Todd, Trusler, Turner, Wilson and Mr. Speaker—69.

Mr. Alden voted in the negative.

So the rule was suspended, and the joint resolution read a second time.

Mr. Beach moved to consider the joint resolution as engrossed. Which motion prevailed.

Mr. Beach moved to suspend the rule and read the joint resolution a third time.

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Buskirk, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Coen, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lewis, Logan, Lowe, McConnell, McClure, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Shull, Smith of Lagrange, Smith of Perry, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson and Mr. Speaker—67.

No one voting in the negative.

So the rule was suspended and the joint resolution read a third time,

The question then being,
Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Clark of Jasper, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Crozier, Dickerson, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Hargrove, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, Jeter, King of John-

son, King of Madison, Landers, Lewis, Logan Lowe, McConnell, McCord, McClure, McFarland, Malick, Mellett, Meredith, Merri-field, Miller. Monks, Murray, Newcomb, Peden, Sanford, Schoon-over, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spots-wood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—72.

No one voted in the negative.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition of sundry citizens of Wabash county praying for the passage of an act making it the duty of plank road companies to keep that part of the highways on which their charters are located in repair until they plank the same, have had that subject under consideration, and are of opinion that it is inexpedient to legislate upon that subject at this time, and therefore ask to be discharged from the further consideration thereof.

Which was laid on the table without reading.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred two resolutions of the House

1st. Instructing the committee to inquire whether persons residing in towns and cities are now required by law to work upon roads, and if not to report a bill for that purpose, have had the same under consideration, and are of opinion that the present laws upon that subject are altogether sufficient, and therefore ask to be discharged from the further consideration thereof.

2nd. Instructing them to inquire into the expediency of consolidating all road laws of this State, and requiring the same to be published for distribution, have also had that subject under consideration, and inasmuch as that matter was provided for at the last session of the General Assembly, they deem it inexpedient to legislate thereon at this time, and therefore ask to be discharged from the further consideration thereof.

Mr. Hargrove, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred Senate bill No. 141, "a bill to amend section 27 of "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," have had that subject under consideration, and have directed me to report the same back to the House and recommend that it be laid upon the table,

Which was laid on the table without reading.

House joint resolution No. 2. A joint resolution in relation to the subject of slavery in the territories of Kansas and Nebraska,
Was taken up.

The question being,

Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Beach, Bonner, Branham, Brothwell, Buchanan, Burnett, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, McConnell, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Alden, Brazelton, Buskirk, Carnahan, Clark of Jasper, Crozier, Hargrove, Humphreys, Jeter, King of Johnson, King of Madison, Landers, Lemmon, Lewis, Logan, Lowe, McClure, McFarland, Montgomery, Smith of Perry, Studabaker, and Walpole—23.

So the joint resolution did not pass for want of a constitutional majority.

Mr. Stanton, from a select committee, made the following report:

MR. SPEAKER:

A majority of the committee, to whom was referred so much of the Governor's message as refers to the subject of colonization have agreed to report adversely to said recommendation, and ask leave to submit the following considerations which have influenced the committee in coming to this conclusion:

1. The whole scheme of colonization originated in the basest motives and from the most mercenary considerations. It is one of the offspring of slavery, originally in the Southern States, and intended to remove the free blacks from the country in order to increase the value and security of their slaves by removing this source of annoyance from their midst. To show that from *such base motives* has this organization sprung, your committee would submit a few extracts from the speeches and writings of the friends and officers of the American Colonization Society.

"The removal of every free black in America would be productive of nothing but *safety*, to the slaveholder.—*African Repository*, 3d, 202.

"So far from having a dangerous tendency, when properly considered, it will be viewed as an additional guard to our peculiar species of property."—*New Orleans Argus*.

"The tendency of the scheme, and one of its objects, is to secure slaveholders and the whole southern country against certain evil consequences growing out of the present three-fold mixture of our population"—*Address of a Virginia Colonization Society, Ap. Report*, 4, 274.

We might fill a volume with extracts from the speeches and writings of the friends of colonization, in proof of our position, but let these suffice.

It is said the colored man is free to go or remain, and that the scheme originates in benevolence to him. But we are guilty of making him choose between two evils and in doing this we commit a heinous sin.

To make him go we apply the following as so many goads to drive him from the State:

1st. We drive his children from our schools, and thereby declare they shall be denied the lights of science and revelation.

2nd. After we have done all we can to heathenize them, we pass laws that *white* villains may take advantage of their illiterate condition. The counterfeiter, the thief, the swindler, the murderer (if he be white) may with impunity perpetrate his hellish deeds, and has our license and protection.

3d. Colored persons have been denied the privilege of coming to the State, and many aged fathers and mothers who are out of this State, are not permitted to come into it and share the kind protection of their relatives here.

4th. This course is approved by every colonizationist in the nation, slaveholders and non-slaveholders, that the condition of the free colored man may be miserable, that he may be compelled to choose between the evil of staying amongst us *christians*, or being expatriated to the shores of heathendom.

Let it not be said, then, that the colored man is not compelled to go to Africa. If injustice, inhumanity and barbarity can compel an individual to action, then is he compelled; and these barbar-

ous laws, be it remembered, are put and kept in force for the specific purpose of compelling this choice.

If these colonizationists were actuated by benevolence they would advocate the education, moral and intellectual, of the African race, and in fact every measure to ameliorate their unhappy condition. But this course would defeat their object, hence they oppose all these measures.

We object again because it is contrary to the principles of our government and the genius of our institutions, which proclaim to the world the equality of man, and offers an asylum in our midst to the oppressed of every country and of every clime; because the proposition is to colonize a people whose ancestors fought and fell in the battles of the revolution, and who have as good a right to this country as we ourselves; a people whose ancestors fought side by side with the men of '76, and again in the war of 1812, and who were then recognized as citizens of the country, and entitled to the protection of the same; and we ask the candid attention of the Legislature to the toll wing facts bearing upon this point. During the discussion upon the admission of Missouri into the Union, the Hon. Mr. Morrill, Senator from New Hampshire said:

"Sir, you excluded not only the citizens from their constitutional privileges and immunities but also your soldiers of color, to whom you have given patents of lands. You had a company of this description. They have fought your battles; they have defended your country; they have preserved your privileges, but have lost their own."

The Hon. Charles Pinckney, of South Carolina, during the same discussion said:

"They then were as they still are as valuable a part of our population to the Union as any other equal number of inhabitants. They were, in numerous instances, the pioneers, and in all the labors of your armies, to their hands were owing the erection of the greatest part of the fortifications raised for the protection of our country. Fort Moultrie gave, at an early period, the experience and untired valor of our citizens, immortality to the American arms and, in the Northern States, numerous bodies of them were enrolled and fought side by side with whites, the battles of the revolution:"

And in this connection we would present the proclamation of General Jackson.

"To the free colored inhabitants of Louisiana:

"Through a mistaken policy, you have been deprived of a participation in the glorious struggle for national rights in which your country is engaged. This no longer shall exist.

"As sons of freedom you are now called upon to defend our most inestimable blessings.

"As *Americans* your country looks with confidence to her adopted children for a valorous support. As fathers, husbands, brothers,

you are summoned to rally around the standard of the eagle to defend all which is dear to existence.

"Your country, although calling for exertions, does not wish you to engage in her cause without remunerating you for the services rendered.

"In the sincerity of a soldier, and in the language of truth, I address you. To every noble hearted free man of color, volunteering to serve during the present contest with Great Britain and no longer, there will be paid the same bounty in money and land now received by the white soldiers of the United States, viz: \$124 in money, and 160 acres of land. The non-commissioned officers and privates will also be entitled to same monthly pay and daily rations and clothes furnished to any American soldier.

"The Major General commanding will select officers for your government from your white fellow-citizens. Your non-commissioned officers will be selected from yourselves. Due regard will be paid to the feelings of freemen and soldiers. As a distinct, independent battalion or regiment, pursuing the path of glory, you will, undivided, receive the applause and gratitude of your countrymen.

ANDREW JACKSON,

Major General Commanding.

Niles Register, Dec 3, 1814, vol. 7, p. 205.

SECOND PROCLAMATION.

To the Free People of Color :

Soldiers! when on the banks of the Mobile I called you to take up arms, inviting you to partake the perils and glory of your *white* fellow citizens, I expected much from you; for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst and all the fatigues of a campaign. I knew how well you loved our native country, and that you, as well as ourselves, had to defend what *man* holds most dear, his parents, wife, children, and property. You have done more than I expected. In addition to the previous qualities I before knew you to possess, I found among you a noble enthusiasm which leads to the performance of great things.

Soldiers! the President of the United States shall hear how praiseworthy was your conduct in the hours of danger, and the Representatives of the American people will give you the praise your exploits entitle you to. Your General anticipates them in applauding your noble ardor.

The enemy approaches—his vessels cover our lakes—our *brave* citizens are united, and all contention has ceased among them. The only dispute among them is who shall win the prize of valor? or who the most glory, its noblest reward.

By order,

THOMAS BUTLER,

Aid-de-Camp.

In conclusion, your committee feel that they are not asking too much when they invoke the spirit of patriotism; of justice and honor in behalf of a weak and defenseless people who have fought for the liberties of the country; but who are now, by our barbarous and inhuman laws, out-lawed from society, as though they were the veriest criminals that live. And we would recommend that instead of making large appropriations for their exportation, such sum be appropriated for the education and elevation of this class in our midst, and thus make virtuous and intelligent citizens out of those whom our policy has hitherto kept in ignorance and degradation.

The report was laid upon the table.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have reciprocated the following resolution of the House, viz:

Resolved. That a committee of three, on the part of the House, be appointed to act with a similar committee of the Senate to inform His Excellency, the Governor, &c.,

And that Messrs. Anthony, Woods, and Witherow have been appointed such committee on the part of the Senate.

Message from the Senate by Mr. Turman, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following resolution of the House, viz:

Resolved. That the judges of the Supreme Court and the clerk thereof be permitted to occupy so many of the committee rooms of the State House as may be deemed necessary for the transaction of their business, said rooms to be occupied only during such times as there may be no Legislature in session.

Message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 27. An act to amend the tenth, twentieth, twenty first, and twenty-fifth sections of an act entitled "An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers," approved June 18th, 1852.

No. 77. An act to fix the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto.

No. 102. An act to amend sections seventeen and a part of section eighteen of an act entitled "An act to incorporate the Lagro, Marion, and Jonesboro plank road company," approved January 16th, 1849.

No. 215. An act to legalize the records of any proceedings in reference to roads heretofore made by the clerk of any court in any county of this State.

No. 118. An act to provide a site, system of government, and plans for the erection of a State House of Refuge for the correction of juvenile offenders.

No. 174. An act authorizing the State of Indiana to relinquish her interest in the real estate herein set forth.

No. 197. An act to prevent fraud in the sale of flour, pork, beef, &c.

No. 218. An act making general appropriations for the year 1855 and 1856.

No. 88. An act to amend the fourteenth section of an act approved June 17th, 1852, entitled "An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of Temperance and for the construction of cemeteries, houses of worship, or other buildings therein mentioned.

No. 206. An act to amend an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties and declaring certain taxes legal, and to provide for the manner of giving notices by the trustees of incorporated cities and towns.

No. 173. An act to provide for the erection and repair of

bridges and to repeal an act entitled "An act to provide for the erection and repair of bridges," approved May 12, 1852.

No. 24. A joint resolution directing the Attorney General to investigate a claim of Moorehead, Hall, & Co., and H. K. Wright and Jacob Barcus against the State, and report the testimony in relation thereto to the next General Assembly.

No. 172. An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof.

No. 202. An act to provide for the appropriation of certain school funds raised for specific purposes when those purposes have been abandoned.

No. 209. An act for the relief of William, Mary, Jane, Nancy, and Eliza McConahay, step children of James B. Wood of Daviess county, and releasing to them certain real and personal property which escheated to the State.

No. 233. An act declaring express companies to be common carriers, and providing for the safety of articles entrusted to their care.

No. 235. An act to authorize the establishment of free public schools in the incorporated cities and towns of the State of Indiana.

No. 236. An act making specific appropriations for the year A. D. 1855.

Which bills originated in the House of Representatives.

Mr. Meredith, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means in discharge of their duty have examined the Auditor's and Treasurer's office, their books, papers, and vouchers, and find the same to be regular and correct. They also have made a thorough investigation and comparison of the journals and ledgers and find them to correspond in all *material* particulars. The warrants issued by the Auditor and redeemed by the Treasurer correspond in every particular.

Some vouchers on file do not correspond with the Auditor's journal, and there are some other inaccuracies of no *material* im-

portance between the vouchers of the Auditor and the warrants, a schedule of which is hereto annexed, marked B.

Statement A, hereto appended, exhibits an account of the receipts and expenditures of the last fiscal year up to 31st of October last.

The committee would direct your attention to the report which we have specially made on the subject of the "swamp land fund."

STATEMENT A.

A GENERAL STATEMENT of the receipts and expenditures during the fiscal year from November 1st, A. D. 1853, to October 31st, A. D. 1854.

Total receipts into the Treasury from all sources during the fiscal year.....	\$2,094,818 03
Add balance on hand, Nov. 1, 1853,.....	514, 57 90
Makes grand total.....	<u>\$2,609,175 93</u>
Total amount of warrants paid at the State Treasury during the fiscal year.....	1,645,514 95
Leaves balance on hand Nov. 1, 1854,.....	<u>\$963,660 98</u>

GENERAL FUND.

Receipts.

From revenue 1853.....	\$519,161	32	
From revenue 1852.....	75	52	
From delinquent revenue 1853.....	17,330	80	
From delinquent revenue 1852.....	26,945	55	
From interest on State debt.....	667	04	
From State Library.....	11	00	
	<hr/>		\$564,191 23
From treasury fund.....	\$339	92	
From sale revised statutes.....	786	50	
From sale of laws.....	58	00	
From United States on account of militia.....	327	92	
From sale of old State prison.....	1,500	00	
	<hr/>		3,012 34
From Insane Hospital.....	\$16,947	38	
From Deaf and Dumb Asylum.....	727	29	
From Blind Asylum.....	8,624	15	
	<hr/>		26,298 82

From Free Banking.....	\$221 25	
From miscellaneous items.....	10 00	
From McGinley warrants.....	16,000 00	
		<hr/> 16,231 25
Total receipts of general fund.....	\$609,733 64	<hr/> <hr/>

Disbursements.

On account of Revenue refunded.....	\$3,979 14	
On account of Treasury fund.....	1 35	
On account of Insane Hospital.....	56,617 67	
On account of Blind Asylum.....	33 599 03	
On account of Deaf and Dumb Asylum	30,380 45	
		<hr/> \$121,577 64

On account of Revised Statutes.....	\$46 62	
On account of State Prison.....	9,512 97	
On account of new State Prison....	5,384 50	
On account of Judiciary.....	16,154 26	
On account of Probate Judges.....	50 00	
On account of Executive officers.....	5,050 00	
On account of Governor's House....	5 6 48	
On account of State Library.....	1,750 26	
On account of Governor's Circle ...	101 67	
		<hr/> 38,626 76

On account of equalization.....	\$7 50	
On account of State House.....	1,013 82	
On account of specific appropriations.	645 50	
On account of fuel and stationery....	3,210 38	
On account of public printing..	6,111 11	
On account of militia.. ..	418 09	
On account of contingent fund.....	1,264 86	
On account of Prosecuting Attorney.	3,417 35	
On account of Free Banking.....	1,371 25	
		<hr/> 17,490 39

On account of interest and exchange.	\$3,756 50	
On account of Porter's reports.....	1,58 54	
On account of Attorney's fees.....	1,270 00	
On account of colonization of negroes	788 29	
On account of expenses of Supreme Court.....	981 25	
On account of miscellaneous items....	1,137 01	
		<hr/> 9,814 59

On account of interest on State debt	\$238,255 52	
On account of salary of State Agent	2,506 95	
On account of expenses of Agency	62 45	
	<hr/>	301,391 92
Total disbursements		\$491,901 30
Add deficiency of last year		32,734 62
Total		<hr/> \$524,635 92
Total receipts brought down		609,733 64
Deduct total disbursements		523,198 91
		<hr/>
Balance on hand Nov. 1, 1854		<hr/> \$6,534 73

TOWNSHIP LIBRARY FUND.

Receipts.

Amount on hand Nov. 1st, 1853		\$66,605 50
Taxes collected 1853	\$27,169 41	
Delinquent tax A. D. 1853	3,835 82	
Delinquent tax A. D. 1852	3,717 31	
	<hr/>	104,713 57
Total		<hr/> \$171,319 07

Disbursements.

Purchase of libraries and expenses	151,787 07
Balance on hand Nov. 1, 1854	<hr/> \$19,532 00

UNIVERSITY FUND.

Amount on hand Nov. 1, 1853	\$7,861 40
-----------------------------	------------

Receipts.

On account of principal, loans refunded	\$8,150 51	
On account of interest collected	4,571 11	
	<hr/>	12,722 62
Total		<hr/> \$20,584 02

Disbursements.

On account of principal re-loaned	\$16,338 00
On account of professors' salaries	5,300 00

On account of incidental expenses...	814 16	
On account of interest refunded.....	41 94	
	<hr/>	22,497 58
Deficiency Nov. 1, 1851,.....		<u>\$1,913 56</u>

COMMON SCHOOL FUND.

Receipts.

On account of tax A. D. 1853,.....	\$230,037 41	
On account of delinquent tax 1853,...	6,506 13	
On account of delinquent tax 1852,...	9,334 19	
On account of interest collected by county treasurers.....	153,437 89	
	<hr/>	399,315 62
Total.....		<u>\$399,315 62</u>

Disbursements.

On account of distribution of fund....	\$344,791 00	
On account of expenses of fund, &c..	3,874 78	
On account of interest refunded.....	2,930 90	
	<hr/>	351,596 68
Balance on hand Nov. 1, A. D. 1854,.....		<u>\$47,718 94</u>

The following items comprise that portion of the "Common School Fund" which is received and disbursed through the Treasurer's office :

SALINE FUND.

Amount on hand Nov. 1, 1853,.....	\$3,623 54
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Receipts.

From loans of principal refunded.....	\$2,457 05	
From interest on loan.....	1,383 71	
From damages on sales of land.....	12 50	
From costs of advertising.....	2 00	
	<hr/>	3,855 26
Total.....		<u>\$7,478 80</u>

Disbursements.

On account of amount distributed to counties	\$3,859 00	
On account of expenses of fund	396 64	
On account of interest refunded	36 75	
	<hr/>	4,292 39
Bal. on hand Nov. 1, A. D. 1854		<u>\$3,186 41</u>

BANK TAX FUND.

Amount on hand Nov. 1, A. D. 1853	\$3,995 56
---	------------

Receipts.

Principal refunded, &c	\$4,471 41	
From interest received	414 32	
	<hr/>	4,885 73
Total		<u>\$8,881 29</u>

Disbursements.

Account of distribution to counties...	\$4,497 00	
Account of expenses of fund	177 30	
	<hr/>	4,674 30
Bal. on hand Nov. 1, A. D. 1854		<u>\$4,206 99</u>

CONGRESSIONAL TOWNSHIP FUND.

Amount on hand Nov. 1, A. D. 1853	\$171 96
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Receipts.

From principal refunded	\$250 00	
From interest collected	77 23	
	<hr/>	327 23
Total		<u>\$499 19</u>

Disbursements.

On account of amount distributed	\$474 96	
On account of interest refunded	4 20	
	<hr/>	\$479 16
Balance on hand Nov. 1, 1853		<u>\$20 03</u>

SURPLUS REVENUE FUND.

Amount on hand Nov. 1, 1854	\$613 52
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Receipts.

From interest collected	192 58
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Total	<u>\$806 10</u>
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Disbursements.

On account of distribution of fund	\$613 51
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Balance on hand Nov. 1, A. D. 1854 ..	<u>\$192 59</u>
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COUNTY SEMINARY FUND.

Amount on hand Nov. 1, A. D. 1853	\$445 40
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No receipts or disbursements of this fund during the year.

There is a balance due from the State Treasury or general fund, to the common school fund, in addition to the above, of the sum of \$780,624 36, on account of redemption of five per cent. Treasury Notes. This item of the common school fund is unproductive, and will remain so until reimbursed by taxation.

MICHIGAN ROAD FUND.

Amount received on sale of land	\$137 83
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No disbursements during the year.

SWAMP LAND FUND.

Amount on hand Nov. 1, A. D. 1854	\$230,608 94
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Receipts.

On account of sales of land during fiscal year	385,892 32
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Total	<u>\$616,501 26</u>
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Disbursements.

Amount of expenses and drainage	217,669 65
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Bal. on hand Nov. 1, A. D. 1854	<u>\$398,831 61</u>
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THREE PER CENT. FUND.

Amount on hand Nov. 1, A. D. 1853.....	\$321 81
No receipts during the year.	

Disbursements.

On account of distribution of fund.....	289 68
Bal. on hand Nov. 1, A. D. 1854.....	<u>\$32 13</u>

STATE DEBT SINKING FUND.

Amount of Fund on hand Nov. 1, 1853.....	\$5,480 43
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Receipts.

On account of tax A. D. 1853.....	\$50,270 61	
On account of delinquent tax 1853...	1,246 27	
On account of dividends on stock....	843 65	
	<u> </u>	52,360 53
Total		<u>\$57,840 96</u>

Disbursements.

On account of purchase of 5 per cent. stocks.....	\$40,000 00	
On account of purchase of 2½ per cent. stocks.....	33,920 00	
On account of expense of Fund.....	99 15	
	<u> </u>	74,019 15
Makes deficiency Nov. 1, 1854, of.....		<u>\$16,178 19</u>

WABASH AND ERIE CANAL.

Amount on hand Nov. 1, A. D. 1853.....	\$223,594 47
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Receipts.

On account of tolls and water rents..	\$187,150 50	
On account of lands west of Tippe- canoe.....	60,619 74	
On account of lands in Vincennes dis- trict.....	270,860 86	
On account of interest on deposits...	2,050 00	
	<u> </u>	520,681 10
Total		<u>\$744,275 57</u>

Disbursements.

On account general expenses.....	\$18,174 78
On account ordinary repairs.....	76,908 07
On account extraordinary repairs.....	14,353 95
On account of bridges.....	1,990 38
On account of superintendence.....	7,843 10
On account of costs of collection.....	8,344 94

For construction:

From Terre Haute to Point Commerce,	20,480 10
From Newberry to Maysville.....	1,961 00
From Maysville to Petersburg.....	3,357 40
From Petersburg to Evansville.....	96,814 59
Damages and water power.....	6,229 82
Expense of engineering.....	5,468 09
Clinton drawbridge.....	3,314 45
Expense land office at Logansport.....	2,233 27
Expense land office at Washington....	1,768 55
Expense of office, house and lot.....	3,967 39
Interest and exchange.....	52,514 60

325,224 48

Bal. on hand Nov. 1, A. D. 1854..... \$418,551 09

RECAPITULATION.

Receipts.

On account of the general fund.....	\$609,733 64
On account of library fund.....	104,713 57
On account of University fund.....	12,722 62
On account of common school fund.....	399,315 62
On account of saline fund.....	3,855 26
On account of bank tax fund.....	4,885 73
On account of congressional township fund....	327 23
On account of surplus revenue fund.....	192 58
On account of Michigan road fund.....	137 83
On account of swamp land fund.....	385,892 32
On account of State debt sinking fund.....	52,360 53
On account of Wabash and Erie Canal.....	520,681 10

Total receipts.....\$2,094,818 03
Add bal. on hand Nov. 1, 1854.....514,357 90

Grand total.....\$2,609,175 93
Disbursements.

On account of general fund.....	\$491,901 30
On account of university fund.....	22,497 58

On account of common school fund	351,596 68
On account of saline fund	4,292 39
On account of bank tax fund	4,674 30
On account of congressional township fund	479 16
On account of surplus revenue fund	613 51
On account of swamp land fund	217,669 65
On account of three per cent. fund	289 08
On account of State debt sinking fund	74,019 15
On account of Wabash and Erie canal	325,724 48
On account of township library fund	151,787 07
Total,	<u>\$1,645,544 95</u>

And which deducted from total receipts leaves balance on hand as before stated \$963,630 98

The committee have examined (so far as the limited time would admit of) the over issue and redemption of scrip.

In the first place the committee call your attention to the law in regard to the redemption and cancellation of scrip (page 154, acts of 1842) which reads as follows, viz:

Sec. 6. That the said treasury notes by this act authorized to be issued, shall by said Auditor be delivered to the Treasurer in parcels not exceeding \$50,000; and before any second parcel is delivered, the Treasurer shall account and settle with the Auditor for the amount by producing the fifty dollar notes therewith redeemed; and the said notes so produced shall by said Auditor and Treasurer be canceled, by being cut by some sharp instrument, and for the amount thereof the Auditor shall issue his warrant to the Treasurer.

Sec. 7. That all other treasury notes redeemed at the treasury shall, annually, within thirty days after the adjournment of the General Assembly, be counted by the Auditor and Treasurer of State, and thereupon canceled, and a warrant issued therefor, in like manner as provided in the preceding section, and shall also be entered 'canceled' in the proper register thereof; and the same, together with those canceled under the preceding section of this act, shall be carefully preserved by said Auditor, until a committee of the next General Assembly shall count and compare the same with the registers thereof, when the same shall be burned in the presence of said committee and said Auditor and Treasurer: and certificates thereof showing the number, date, and amount of said treasury notes so burned, and the interest thereon, shall be signed by said committee and said Auditor and Treasurer, and filed in the Auditor's and Treasurer's office.

At the last session of the Legislature the following resolution was adopted by both branches thereof:

Resolved, By the General Assembly of the State of Indiana, that

the Governor, Auditor, and Treasurer of State, be requested to examine into the stock affairs of the State, and report to the next Legislature, concerning the loss of surrendered bonds, and the excess of scrip.

In pursuance of which an examination was had, and from which the committee have mainly predicated the following facts:

Bank Scrip.

The examination of the scrip account shows the following result:

The amount cancelled on the register of the bank scrip by Geo. H. Dunn, Esq., shows that the amount for which he got credit in his settlement with the committee of ways and means is substantially correct, the amount being \$138,340, showing only a variation of \$155.

The account of Royal Mayhew shows nearly the same accurate result. Amount canceled, \$248,510, showing a variation of only a few hundred dollars.

The same result is made with the account of Samuel Hannah, the amount canceled being \$158,176, showing a variation of only about \$15,00.

The amount canceled on the register by J. P. Drake, Esq., according to the investigation is..... \$172,810 00

The amount for which he got credit on settlement with
the committee of ways and means is..... 186,100 00

Showing a variation of..... \$13,290 00

It may be remarked that in canceling so large an amount of scrip that in all reasonable probability clerical errors did occur, consequently the small variations in the accounts of Messrs. Dunn, Mayhew, and Hannah is not at all surprising, but only tends to establish the accuracy of their accounts.

The variation in the account of J. P. Drake, Esq., cannot be accounted for in this way.

The examination of the $\frac{1}{4}$ per cent. scrip has been perplexing and difficult. Several of the treasurers had marked it canceled in the register and afterwards paid it out, not receiving any warrant therefor in their settlement.

The whole amount made was \$70,000, of which only \$41,250 was, in pursuance of the law, exchanged for fifty's in the year 1842, the balance of the \$70,000, viz: \$28,750, remained in the Treasurer's office until 1848 when it was destroyed.

There is no very material variation in the accounts of the treasurers of the amount marked canceled on the register and the amount for which credit was given in the annual settlement with the committee of ways and means.

The register of this scrip is nearly covered all over with duplicate redemptions. The examination shows that in some way which has not been fully explained that there was clearly an over issue of of this particular scrip of about \$8,000.

Six per cent. Scrip.

The examination shows that George H. Dunn, Esq., canceled on the register \$584,850, and in settlement with the committee of ways and means got for credit \$599,090, showing a variation of \$14,240.

The amount of Royal Mahew agrees with the cancelation so nearly as to show a variation of only \$785 against the State.

The amount of S. Hannah, Esq., agrees nearly with the cancelation, showing only a variation of about \$425.

The account of J. P. Drake, Esq., shows the following result:
 The amount canceled on the register is..... \$120,535 00
 The amount for which he was allowed a credit on
 settlement with the committee of ways and means
 shows..... 124,800 00

Showing a variation of..... \$4,265 00

The scrip canceled by E. Newland, Esq., is not included in this report, as it is still on hand, subject to examination.

The scrip canceled by N. B. Palmer, Esq., late Treasurer of State, for some reason was not canceled on the register.

The amount was..... \$147,000 00

By reference to the law quoted above it will be seen that the manner in which the various kinds of scrip was to be canceled is clearly pointed out, viz:

1st. The scrip should be canceled on the register of the Auditor and Treasurer of State.

2d. Carefully counted by these officers, and cut or obliterated so that it could not go into circulation again.

3d. The Auditor of State to issue to the Treasurer a warrant for the amount, and the canceled scrip to be kept by the Auditor of State until the next Legislature should meet, when the committee of ways and means would re-count and compare the scrip canceled upon the register.

To test the correctness of the action of the Auditor and Treasurer, which, if found correct, then the scrip was to be burned.

But from the facts which have come to the knowledge of the committee, they are of opinion that the requirements of the law were not observed in the counting and cancelation of scrip.

The method usually pursued was this: The Auditor and Treasurer canceled on the register the scrip on hand during the recess of the Legislature, next the scrip was counted by various members of the committee of ways and means, then punched, and afterwards burned; consequently it is not at all surprising that errors should occur.

The committee are of opinion that if the law had been observed, the errors which the examination has brought to light, would not have occurred.

The examination (above referred to) by which the foregoing re-

sults have been obtained, was done under the direction and immediate attention of E. Newland, Esq., late Treasurer of State.

The process was tedious and complicated, and involved an immense amount of labor and research. Between fifteen and twenty large folio volumes had to be examined, and the issue of each bill carried to the particular account of each treasurer, and the whole brought to an aggregate, with a precision and accuracy highly commendable.

For his services in the examination Dr. Newland does not make any charge against the State.

The committee would further report, that owing to the research of E. Newland, Esq., late treasurer, and to his unwearied and untiring industry, they are principally indebted for the facts in the foregoing report.

He has furnished to your committee every facility in his power to ascertain the results aforesaid, and in the opinion of the committee, he has faithfully discharged his duty as a public officer with honor to himself and to the benefit of the public.

Judiciary for 1853.

Voucher No. 8037. Page 218 is not found on file, amount.....	\$101 11
Voucher No. 8708. Does not appear on the journal (W. W. Wick's salary)	250 00
Voucher No. 9244 Is not found on the files, (A. C. Downey's salary)	250 00

Specific Appropriations.

All right.

Fuel and Stationery.

Voucher No. 8394. Page 227 calls for \$1.50, while jour- nal makes it	\$3 00
Voucher No. 8943. Page 246 calls for \$1,200, while journal makes it	1,275 00

State Prison.

Voucher No. 9009. To Dr. Miller \$276, not entered on journal, and no receipt for warrant, and probably no warrant issued.

College Fund Loan.

Voucher No. 7840. For \$200, no voucher on file.	
Voucher No. 7941. Call for warrant for \$300; not on journal.	

Free Banking.

Page 251. A warrant seems to have been charged to the Free Bank act, which has no number on the journal; amount..... \$24 00

Pages 232 and 233, of the journal, there are the following warrants issued, and which have not been numbered:

1 for \$5.14 to J. P. Drake	\$5 14
1 for \$355	\$355 00
1 for \$184.70.....	184 70
1 for \$865.00	865 00
1 for \$592.35.....	592 35
1 for \$45.00	45 00
1 for \$1.08	1 08

The above have no numbers which I have found as yet.

Deaf and Dumb.

No. 8469. To P. G. Gillet, page 209, for \$125, is not found on the files of Vouchers.

Warrant No. 8707—issued for \$780 in the voucher numbered 8707, I find the amount as taken from the vouchers themselves to be \$1,389. I do not know whether the vouchers were intended to represent the amount set down to the account on the journal. The wrapper containing the vouchers is properly numbered and has the correct amount indorsed to-wit, \$780, while the vouchers foot up \$1,389.

Warrant No. 9165. To Jno. Tarlton on the journal, for which I find no voucher on file.

Swamp Lands.

No. 8378. Warrant issued, but no voucher on file.....	\$200
No. 8720. Warrant issued, but no voucher on file.....	220
No. 8781. Warrant issued, but no voucher on file.....	220
No. 8849. Warrant issued, but no voucher on file.....	200
No. 8883. "Issued to Auditor of State," is all that is said in the voucher	75

Legislative.

No. 8234. Page 216. The voucher in the body calls for \$5, on the back it is indorsed \$10, while the journal shows no amount.

No. 8573. For \$10 to G. S. Roberts is not found on file.

State Library.

No. 9179. For \$125, salary of N. Bolton, Librarian, page 269 does not appear on the journal.

Institution for Education of the Deaf and Dumb.

On examination, the Superintendent's report of expenditures for the six months ending April 30, 1854, and marked (A,) I find the following, to-wit:

Voucher, No. 25. Line No. 20, of Superintendent's report, is but an account of Messrs. Werden & Chamberlain	\$3 50
No. 40. Line No. 32, of Superintendent's report, is but the account of Adams & Co.'s Express	50
No. 53. Line No. 48, of Superintendents report, is Thos. McIntire's account for traveling expenses. No receipt,	67 85
No. 75. Last line of report is an account for garden seeds. Not receipted for	17 45

Report Deaf and Dumb Asylum marked (B,) the following:

Voucher No. 111. Account for labor in lieu of receipt,	\$22 55
Account of H. P. Peet, on old books, for which no vouchers filed	35 00
Also by paid H.P. Peet, books for which no voucher is filed	43 50

Reports of Deaf and Dumb Institution.

In the report of Superintendent marked (C,) will be found the following, to-wit:

Voucher No. 1. Line No. 2, of Superintendent's report, is an act in lieu of a voucher for	4 00
No. 2. Line No. 3, of Superintendent's report, is an account in lieu of receipt for	4 00
No. 15. Line No. 17, statement of Superintendent as returning money to Wilson, as tuition and board	15 00
No. 25. Line 9th of 2d page report; account for pump and repairing platform. No receipt. W. Osborn	15 00
No. 33. Line 17, 2d page, Superintendents statement as to expense of books paid to Turner	5 00
No. 34. Line 18, 2d page of report—an order of William Vaile to Mr. Powell for	40 00
No. 49. Line 5th from bottom 2d page—an order from Duke & Bingman to Powell & Hay	75 02
No. 50. Line 4 from bottom 2d page—an order from Powell & Hay to McIntire	25 00

Report of Superintendent of Asylum for Deaf and Dumb, marked D, are found the following items, to-wit:

Voucher No. 25. Line 30, 1st page. an account of O'Neal's in lieu of voucher	\$3 55
Voucher No. 29. Line 31, 1st page, an account in lieu of voucher for	\$39 18

Voucher No. 45. Line 9, 2d page, an account in lieu of voucher for.....	\$25 53
Report of Superintendent of Institute for Education of Deaf and Dumb, marked E, is found to contain the following receipt and abstract, to-wit:	
Receipt of Waller & Ramsey, plumbers,.....	\$34 85
Amount as entered on abstract.....	\$35 85
Error,.....	\$1 00
The general result of the receipts and expenditures of the Institution are found to be correct with a slight variation.	

Examination of Vouchers of Asylum for the Blind.

Correct as compared with the Auditor's journal, and correct in themselves with an exception of twenty cents. The voucher No. —, calls for \$200 20, while the abstract makes it \$200 00.

Hospital for the Insane.

Examined and compared vouchers with Auditor's report and journal. Found them correct in every particular, as also with the Treasurer's report of amounts paid.

Miscellaneous Items of Expense.

Voucher No. 65, which appears on file, has by the journal never been issued on.....	\$8 00
Voucher No. 534, upon which a warrant appears to have been issued, is not found among the papers, journal, page 53,.....	\$11 75

Swamp Lands.

In comparing the vouchers with the journal of warrants issued by the Auditor of State, we find the following omission:	
Voucher No. 232, in favor of Amos Lowring, appears on file, but is not entered as issued on the journal of warrants by the Auditor,.....	\$10 00
Voucher No. 305, to correspond with the journal should be numbered 306.	
Voucher No. 1074, is recorded on Auditor's journal as amounting to.....	\$256 38
Whereas, in the body of the voucher the amount is	254 37
Error.....	\$2 01
Voucher No. 1085, the voucher calls for \$186 75, whereas, the warrant was issued for \$181 75, leaving balance in favor of voucher of \$5 00.	
Voucher No. 1249, calls for.....	\$252 81
Warrant issued as journalised for.....	152 81
Error.....	\$100 00

Voucher No. 1278, when correctly added amounts to	\$2 064 10
Warrants issued for	2,271 38
Voucher No. 1370, voucher calls, when added, for	\$1,906 12
Warrant issued as per journal for	1,891 33

College Fund.

Vouchers Nos. 475 and 476, amount in body of voucher	\$210 50
Journal exhibits but one, No. 476, in amount	\$200 00
Difference	\$10 50

1st. In the examination of the several amounts of money received by the trustees of the Wabash and Erie Canal, I have found that in voucher 963, there exists a discrepancy in the voucher and the abstract.

2d. Voucher 969 of the receipts of money the same is not found in the files of vouchers.

3d. Voucher 1033 in which the amount of receipts is 2,368.53, while the abstract shows only in amount \$2,334.

4th. Voucher 1034 of the receipts of Trustees not found in the files.

Disbursements by Trustees of the Wabash and Erie Canal.

1st. Voucher No. 3979 is a mere statement in lieu of a receipt.

2d. Voucher 4145 calls for \$519.20, abstract shows \$1,002.20.

3d. No. 4279. Shows expended \$100, should be \$180.

Which was laid upon the table, and 500 copies ordered to be printed.

Mr. Meredith made the following report from committee of ways and means :

MR. SPEAKER:

The committee on ways and means to whom was referred the communication of his Excellency, the Governor, relative to the right of the State to and the expediency of taxing the Wabash and Erie Canal and its properties, have had the same under consideration, and ask leave to submit the following report in the premises, to-wit :

1st. That in the opinion of the committee the State has ample power to levy a tax upon said canal and its properties.

2nd. That in view of the contract between the State and her bond holders, the language of the law and the nature of the trust, both having been created for the benefit of the State and her creditors, your committee are of opinion that to levy a tax upon the said canal and its properties would be a breach on the part of the State of her plighted faith, and would therefore report that in their opinion it is highly inexpedient and levy a tax upon the said canal and its properties.

Mr Monks, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills Nos. 202, 209, 235, 233, and 236, and joint resolution No. 24, with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Sanford, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means who were charged with the investigation of the facts connected with the proper liability for the sum of \$1,362.23 of funds appropriated to the Institute for the Education of the Blind, which liability is represented as being in dispute between the late superintendent, W. H. Churchman, and E. Newland, late Treasurer of State, have, so far as time and circumstances would admit, performed the duty thus assigned them, and have directed me to report as follows:

1. That the committee have come into the possession of no evidence implicating said Churchman in any charge of illegal reception, appropriation, or embezzlement of said sum, or any part thereof, nor have the committee any reason to believe that he was guilty of any dereliction of duty in connection with the transaction in question, but are satisfied that the result of the legal investigation in this case had, places him in a proper position before this House.

2. That the committee are also satisfied, from an inspection of the vouchers for said sum late in his possession, as then Treasurer of State and also of the said institution, and from the evidence of those conversant with the business habits of the said late Treasurer, E. Newland, that the scrupulous and habitual caution, care and exactness with which he regularly transacted the business of his said office, fully justifies them in the belief that the said Newland, as such Treasurer, paid over the money to some person presenting the said vouchers, and should consequently stand before this House exonerated from all blame or suspicion even, as thus connected with this transaction.

3. That the committee have not been able to acquire any evidence as to how or by whom the said sum was drawn or appropriated, nor of the probabilities of its being ever recovered, to justify them in expression of any opinion in relation thereto.

And, having reported as fully as the circumstances under which they have been acting will enable them to do, they respectfully ask to be discharged from the further consideration of the subject.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared House bill No. 235 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Monks, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill No. 172 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Test offered the following resolution :

Resolved, That so much of the report of the committee on ways and means as relates to State scrip be referred to a committee composed of Messrs. ———, to investigate the same, with powers to send for persons and papers, and report the whole matter to the next meeting of the Legislature.

Which was adopted.

Mr. Hester moved to fill the blank with the names of Messrs. Meredith and Buskirk.

Mr. Hudson moved to add Mr. Newcomb to the committee.

Which was adopted.

The question being on the resolution as amended,

It was adopted.

On motion by Mr. Mellett,

Resolved, That the members of the House of Representatives each be entitled to one volume of the Journals of the present session, when bound ; also, one volume of the Documentary Journals, when bound ; also, one copy of the Acts of the present session.

Mr. Frazer offered the following resolution :

WHEREAS, It is the duty of the present General Assembly to elect a United States Senator, and a refusal to do so would, if a like refusal should occur in a sufficient number of States, destroy the National Legislature and reduce the National Government to anarchy ; AND WHEREAS, the House has on several occasions invited the Senate to unite with the House in joint convention for the purpose of holding such election ; AND WHEREAS, the Sen-

ate has declined to accede to such requests, it being alledged as a reason therefor, that the Senate ought not to lose its identity in such election by uniting in such joint convention; AND WHEREAS, the Senate on its part has proposed to the House the name of a citizen of the State for United States Senator, the views of which citizen on great public questions, being in opposition to the views of a large majority of the House and of the people of Indiana, wherefore he is deemed by the House an improper person to represent the people and State of Indiana in the United States Senate; AND WHEREAS, the House being anxious to discharge its constitutional duty in the matter, is willing to accede to the views of the Senate, so far as the same may be reasonable and practicable; AND WHEREAS, it is historically true that every United States Senator since the first organization of this State Government has been elected by joint convention of both Houses of the General Assembly, Therefore,

Resolved, The Senate concurring, that the Senate and House proceed at 2 o'clock this day to make choice of United States Senator in the following manner, viz:

Each House shall proceed *viva voce* to vote for United States Senator, and shall interchange the result of their ballots, and if having thus balloted the two Houses shall fail to concur in the choice of a citizen for said office—having balloted three times—then the two Houses shall immediately assemble together in joint convention, in the Hall of the House, and by *viva voce* vote choose such United States Senator, and the person receiving a majority of all the votes given, shall be declared chosen such United States Senator for the term of six years from the fourth of March instant.

The question being on the adoption of the resolution,

Messrs. Hester and Frazer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson and Mr. Speaker—56.

So there was not a quorum voting.

Mr. Frazer moved a call of the House.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Alden, Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Buskirk, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hester, Hillyer, Hudson, Humphreys, King of Madison, Landers, Lewis, Lowe, McConnell, McCord, McClure, McFarland, McMurry, Malick, Mellett, Meredith, Merrifield, Miller, Monks, Montgomery, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Studabaker, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—67.

On motion by Mr. Frazer,

A further call was dispensed with.

The question then being on the adoption of the resolution,

Those who voted in the affirmative were,

Messrs. Bartholomew, Beach, Bonner, Branham, Brazelton, Brothwell, Buchanan, Burnett, Cain, Clark of Rush, Clark of Steuben, Clark of Tippecanoe, Clark of Union, Coen, Dickerson, Dunn, Ellis, Fouts, Frazer, Gifford, Gilham, Gwinn, Hadsell, Hall of Laporte, Hall of Warren, Harryman, Hervey, Hillyer, Hudson, McConnell, McCord, McMurry, Malick, Mellett, Meredith, Merrifield, Monks, Murray, Newcomb, Peden, Sanford, Sidwell, Sims, Shanks, Shryock, Smith of Lagrange, Spotswood, Stanton, Tackett, Test, Thomas, Todd, Trusler, Turner, Wilson, and Mr. Speaker—57.

No one voted in the negative.

So there was no quorum voting.

Mr. Hillyer offered the following resolution :

Resolved, That the House will, the Senate concurring, meet in joint convention at 2 o'clock this afternoon in the Hall of Representatives, for the purpose of electing a State Agent, Attorney General, and all other State officers to be elected by the present General Assembly, including the Trustees and Commissioners of the Benevolent Institutions, &c.

Mr. Buskirk moved to amend the resolution as follows :

Add the words "excepting United States Senator."

Mr. Meredith obtained leave and withdrew Senate bill No. 29, "a bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies."

Mr. Tackett, from a select committee appointed to wait upon the Governor, made the following report :

MR. SPEAKER:

The committee would report that the Governor has no further communications to make to the General Assembly now in session, and further adds, he wishes the members a long and peaceful life.

Message from the Senate, by Mr. Turman, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution thereof:

Resolved, That the Secretary of the Senate inform the House of Representatives that the Senate has gone through with the legislative business, and are now ready to adjourn *sine die*.

Mr. Buskirk offered the following resolution:

Resolved, That we hereby tender to the Hon. David Kilgore, Speaker of the House of Representatives, our sincere and unfeigned thanks for the ability, impartiality, and fairness with which he has discharged the important and responsible duties of the chair.

Which was adopted by unanimous consent.

Mr. Frazer introduced the following resolution:

WHEREAS, owing to want of time or disagreement between the two Houses, many important measures have failed to pass, and no apportionment bill has been passed, in consequence of which no future legislature can be elected, therefore,

Resolved, That in opinion of this House it will be the duty of the Governor to call a special session of the Legislature at such time as he may deem proper, and at such season as may be least inconvenient to the members of the two Houses.

Which was adopted.

On motion by Mr. Hudson,
The House adjourned *sine die*.

JOHN LEVERING,
Principal Clerk of the House.

JOHN COBURN,
Assistant Clerk of the House.

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1	A bill to repeal all laws now in force establishing the time of holding circuit courts in the Second Judicial Circuit, and to fix the time of holding said courts.....	54	53, 50	56	211	130	130
2	A bill to amend an act entitled "an act to incorporate the Indiana Cotton Mill," approved Feb. 15th, 1848.....	56	67, 121, 135	135			240
3	A bill to prevent the desecration of the Sabbath.....	56	67, 204	327			
4	A bill to amend the constitution of the State of Indiana, by altering the second section of article 2, and by striking out the 21st section of article 4; and to alter the 28th section of article four and by striking out the latter clause of section 29, article four.....	56	67				
5	A bill to amend the 45th and 66th sections of an act providing for the settlement of decedents' estates, prescribing the rights, and liabilities, and duties of officers connected with the management thereof, and heirs thereto; and certain forms to be used in such settlement, approved June 17th, 1852, and supplementary thereto.....	57	67, 105, 451	464			609
6	A bill to fix the time of holding courts of common pleas in the district composed of the counties of Perry, Spencer and Dubois.....	57	59, 67, 87				
7	A bill to abolish the seventh judicial circuit of the State of Indiana, creating a twelfth circuit and fixing the times of holding courts therein.....	59	67, 121, 152, 153	153		154, 165	375
8	A bill to regulate the election of United States Senator.....	66	66, 83, 326	326			
9	A bill authorizing railroad companies to create a preferred stock.....	66	83, 524	534			
10	A bill to repeal all laws now in force for establishing the time of holding common pleas courts in the districts composed of the counties of Knox, Daviess, Pike, and Martin, and to fix the times of holding said courts.....	66	84, 166	166			
11	A bill to amend an act (the 303d section of) entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction on between law and equity," approved June 18th, 1852.....	66	84, 91, 121, 166	166	411	412, 495	448
12	A bill to amend an act entitled "an act for the incorporation of insurance companies defining their powers, and prescribing their duties," approved June 17th, 1852.....	66	94, 572	573	748	703	
13	A bill supplemental to the act of Revised Statutes of 1852, entitled "an act to revise, amplify and abridge the rules, practice and forms in criminal actions, in the courts of this State....."	66	84				
14	A bill in relation to collections on contracts.....	71	84				
15	A bill to amend the 1st section of an act entitled "an act concerning interest on money," approved May 27, 1852.....	79	107				

BILLS OF THE HOUSE OF REPRESENTATIVES.—Continued.

Number.	Title.	Introduced.	Proceedings before Passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
16	A bill to amend section 23, article 3, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.....	79	107				
17	A bill amendatory of the act for the assessment of damages against railroad companies for property appropriated to railroad purposes, and to limit the term within such suits for such damages shall be commenced.....	80	107				
18	A bill amending the third section of an act for the incorporation of county libraries, approved June 18, 1852.....	80	107, 499				
19	A bill to amend the fourth section of an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.....	80	108, 140	107	459		488
20	A bill to amend the 15th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.....	80	108				
21	A bill to repeal an act entitled "an act providing for decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof," and certain forms to be used in such settlement, approved June 17, 1852.....	81	108				
22	An act to amend the seventh section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.....	82	109, 138, 167, 238	238			
23	An act to amend an act entitled "an act to establish and regulate ferries," approved June 17th, 1852.....	82	109	238	306		448
24	An act to amend the first section of an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	83	109, 139, 257	240	411		457
25	An act to repeal section third of an act entitled "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1852.....	83	109, 513				
26	A bill to provide for a more equitable mode of publishing legal notices.....	83	132, 239				
27	A bill to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers," approved June 18th, 1852.....	105	132, 385	596	803		890
28	A bill to amend an act fixing the time of holding the courts of common pleas, and the length of the terms thereof in the several counties in this State," approved March 4, 1852.....	105	132				

29	A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State,"	105	133, 168	168	329
30	A bill to amend section thirteen of an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.....	105	133		
31	A bill to amend an act entitled an act for the incorporation of high schools, academies, universities, theological institutes, and missionary boards, approved May 13, 1852.....	106	133		
32	A bill to amend the 14th and 25th sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of Treasurer and Auditor of State," approved January 21, 1852.....	106	133		
33	A bill providing for the immediate repeal of an act to authorize and regulate the business of general banking, approved May 28, 1852.....	106	134 303		
34	A bill to repeal an act prohibiting the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest approved February 14, 1853.....	106	134, 512, 660		
35	A bill to amend an act for the incorporation of cities, approved June 18, 1852.....	107			
36	A bill to amend the eighteenth, twenty-fourth, twenty-fifth and twenty-sixth sections of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852.....	107	134, 272, 304		
37	A bill to repeal section 34, chapter 10, of Revised Statutes of 1852.....	107	134	169	374
38	A bill authorizing county agricultural societies to purchase and hold real estate.....	121	121, 148, 169		
39	A bill to enable railroad companies to settle with their creditors and convey a part of their roads in satisfaction of mortgages, and to enable the vendees to hold and enjoy the same.....	129	148, 313	514	608
40	A bill supplementary to an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.....	129	148, 257	257	374
41	A bill to repeal section 77th of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.....	130	149, 301		
42	A bill giving purchasers of lands held adversely by a third person, a right to maintain an action in their own names.....	130	149		
43	A bill to provide for restoration and preservation of the records of the Supreme Court.....	130	149, 259	240	374
44	An act to amend 74th section of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved June 12, 1852.....	130	149		
45	A bill to authorize county commissioners to appoint clerks of the circuit and common pleas courts, in cases of vacancy by death, resignation or otherwise.....	130	149, 240, 269	240	
46	A bill authorizing boards of trustees of high schools, academies, colleges or universities, to assume a common name, consolidate their property, sue and be sued, contract and be contracted with, and to transact business under such common name.....	130	130, 145, 240	241	374
47	A bill to provide for the geological survey of the State.....	131	150	241	
48	An act concerning the organization of voluntary associations, and repealing former laws in reference thereto.....	131	151, 270	271	418
49	An act to repeal all laws heretofore enacted, fixing or regulating the time of holding courts of common pleas in Randolph and Jay counties.....	131	151, 241		
50	A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.....	131	151, 241, 255		
51	An act to amend 1st, 2d and 3d sections of an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards.....	131	151	327	732
52	A bill to prohibit profanity.....	131	151, 269	742	

BILLS OF THE HOUSE OF REPRESENTATIVES -- Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
53	A bill to repeal section 8 of the 6th article of the constitution of Indiana, relative to the Superintendent of Public Instruction.	131	151				
54	A bill to amend the 14th section of an act entitled "an act authorizing the construction of plank roads."	163	163 205				
55	A bill to authorize county auditors to convene county boards in cases of emergency.	163	163, 205				
56	A bill fixing and extending the terms of the Marshall Circuit Court, and providing for the return of process therein.	163	206	258	397		428
57	A bill supplemental to an act regarding strays and articles adrift.	163	206				
58	A bill to amend an act regulating county Auditors' fees.	163	206				
59	A bill to authorize plank, macadamized or gravel road companies, to sell or transfer their corporate property and franchises, and to authorize the purchasers thereof to organize themselves into a corporation, and defining its powers.	163	206				
60	A bill concerning conveyances and other writings, and the sealing thereof.	164	207, 300, 377				
61	A bill to amend the 7th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to authorize assessors to correct errors in assessments of real estate.	164	207, 515	515	750		755
62	A bill to authorize master commissioners to take acknowledgments of deeds, mortgages &c.	164	207, 301, 412				
63	A bill prescribing the manner of impanelling petit jurors, the number thereof, and repealing certain acts therein named.	164	207, 412				
64	A bill to repeal the fifth section of an act therein named.	164	207, 462				
65	A bill to amend section 368 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State."	165	207				
66	A bill for the relief of Henry Wells, Treasurer of the county of Lake.	191	191, 275, 459, 516, 671	673	804		875
67	A bill to provide for the confinement of persons insane and dangerous when suffered to run at large, and for the compensation of any person to whom the custody of such insane person is committed.	193	275, 303	463	521		610
68	A bill providing for trial of causes in the several circuit courts in cases in which the circuit judge is interested, or related to either of the parties; also, providing for the holding of terms of courts when such judge is absent or unable to attend, and repealing sections three and four of chapter four, of the second volume of the Revised Statutes of 1852, and providing for the compensation of persons holding such courts.	193	275, 500	500	703		750

69	A bill to relieve the erection of obstructions across navigable streams, and prescribing punishment therefor.....	193	276						
70	A bill to amend the 17th, 20th, and 36th sections of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof".....	193	276	259	360				375
71	A bill to provide for the service of summons of a witness by copy.....	193	276	259					
72	A bill to facilitate suits against the estates of foreign decedents having no personal representative in this State.....	194	276	402					
73	A bill to repeal a part of section 24 of an act entitled "an act regulating the fees of officers;" approved June 16, 1852; approved March 2, 1853; and to repeal section 5 of an act entitled "an act providing for the election of county sheriffs, and prescribing some of their duties;" approved June 7, 1852; and amending section 25th of an act providing for the organization of county boards, and prescribing some of their powers and duties: approved June 17th, 1852.....	194	276						
74	A bill to regulate the taking of appeals from the courts of common pleas, and from justices of the peace.....	194	766, 819, 819						
75	A bill to more particularly define the boundary line between the counties of Gibson and Warrick.....	195	275, 388						
76	A bill to authorize the Auditor of State to retain so much of the interest on the stocks of any bank, as may be sufficient to indemnify the State against loss of any sum due by any bank to the State.....	196	257, 275						
77	A bill to fix the time of holding the courts of common pleas and the length of the term thereof, in the several counties of this State, and repeating the former laws in reference thereto.....	198	198, 277, 320, 343, 416	451	740	789, 815, 873	890		
78	A bill to amend an act entitled "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith," approved June 14, 1852.....	201	201, 280, 307, 622, 627, 619	716					
79	A bill to authorize guardians to mortgage the real estate of their wards, to borrow money for their education and maintenance.....	204	201, 230, 301	467					
80	A bill requiring written briefs to be filed in the Supreme Courts.....	204	204, 250	328	759	329			
81	A bill to repeal the 10th section of an act entitled "an act to establish courts of conciliation, to prescribe the rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852.....	204	280, 412	466					
82	A bill to amend section 4 of an act entitled "an act touching official bonds and oaths, and supplemental thereto".....	205	280						
83	A bill to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9, 1852.....	205	205, 281	328	419				418
84	A bill to provide that evidence of her having previously carnal connection with other persons than the accused, in a case of particular acts and associations, inflicting on the part of the prosecuting witness on a charge of rape, or an assault and battery with intent to commit a rape, a want of chastity may be introduced in defence of such a charge.....	205	338						
85	A bill to provide for enclosing and protecting the military grounds belonging to the State, at the Capital.....	218	333, 416						
86	A bill to repeal section 5 of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed;" approved Feb. 27, 1853.....	219	338						

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number	TITLE.	Introduced.	Proceedings before Passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
87	A bill regulating the fees of officers, and repealing former laws in relation thereto.....	220	338, 311	469	713	713, 767	875
88	A bill to amend the 14th section of chapter 10, approved June 17, 1852, entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Ac., Masonic and Odd Fellows' Lodges, Son-ship, or other buildings therein mentioned.....	226	316, 342, 402, 567	710	880		
89	A bill authorizing attachments in certain cases therein named, when the debt is not due.....	226	343				
90	A bill to amend sections 647 and 649, of article 36, of an act entitled "an act to revise, simplify and abridge the rules, pleadings, and practice, &c., in the courts of this State.....	226	343, 484				
91	A bill to authorize suits against the State.....	226					
92	A bill to provide for the issuing certificates in cases of the casual destruction of out-standing State bonds, and of duplicates in cases of the destruction of State certificates of stock.....	228	344, 484	485	783		756
93	A bill to amend an act entitled "an act to authorize and regulate the business of General Banking,".....	231	253, 357, 364, 370, 397, 409, 446	614	721	717, 816, 879	
94	A bill to amend the 41st section of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," Approved May 29th, 1852.....	232					
95	A bill to provide for the greater security of the funds of the State in the hands of the Agent of State.....	233	345, 413	413	521	643	706
96	A bill to prohibit judges of the courts of common pleas from practicing law, and to prohibit judges of such courts from forming or maintaining a partnership in the practice of the same and to repeal the 40th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.....	233	345				
97	A bill to provide for the listing of the stock, and other property of railroad companies, and for the collection of taxes thereon.....	234	345, 731, 800	861			
98	A bill to amend section 21 of an act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1852.....	234	346				
99	A bill to repeal section 59, Revised Statutes, 1852, vol. 1, concerning the empanelling of petit jurors in the courts of common pleas, and to provide the manner of selecting such jurors in such cases.....	234	346				

100	A bill to amend section 540, of an act entitled "an act to revise simplify and abridge the rules, practice pleadings and form, in civil cases in the courts of this State. To abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading, and practice without distinction between law and equity," approved June 18, 1851. And to provide for changing the docketing and justices' judgments, from the execution to the judgment docket of the court of common pleas.....	234	346, 413	416	740	750
101	A bill to amend section 21 of article 4, of the constitution of the State of Indiana.....	234	346			
102	A bill to amend section 17 and part of section 18, of an act incorporating the Lagro Marion and Jonesboro' plank road company, approved January 16th, 1849.....	234	347, 517, 569	570	811	890
103	A bill authorizing executors and administrators to make deeds in certain cases.....	234	347	569		
104	A bill to amend the title of an act entitled "an act concerning license to vend foreign merchandise, to exhibit caravan, circus, rope and wire dancing, puppet shows and legentematin," so as to mention therein the business of stock and exchange brokers, in buying and selling stocks, bank notes, gold, silver, promissory notes, and bills of exchange.....	237	347, 414, 561			
105	A bill to amend section 22 of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852.....	237	347, 414			
106	A bill to repeal an act entitled "an act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof.....	237	347, 517			
107	A bill in relation to the duties of prosecuting attorneys, and allowing docket fees in criminal cases in the Supreme Court.....	237	317, 518			
108	A bill to provide for issuing fee bills and executions against sureties on appeal bonds in the Supreme Court.....	237	348, 518,	574	741	732
109	A bill relative to the salaries of public officers, and providing the manner of paying the same.....	246	337, 574	574		855
110	A bill to amend the 32d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved Jan. 14th, 1853.....	255	348, 501	612		
111	A bill to amend an act in relation to county treasurers.....	257	319, 487			
112	A bill requiring the Clerk of the Supreme Court to tax against and collect from the defendants in each of the cases therein submitted and determined in favor of this State, since the publication of the Revised Statutes thereof for the year 1852 or so submitted and thereafter determined in that behalf, a docket fee of ten dollars for the benefit of the attorney prosecuting or defending such cases.....	258	349, 696			
113	A bill to provide for the erection of a house of refuge in the vicinity of Indianapolis.....	268	351, 514			
114	A bill to establish a State reformatory school for juvenile offenders at the house of refuge, in the vicinity of Indianapolis.....	269				
115	A bill to prevent re-tortions by railroad companies.....	285	285			
116	A bill to prohibit the manufacture and sale of spirituous liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance.....	286	353, 487, 515	697	878	
117	A bill repealing "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and providing for the liquidation of banks operating under said act.....	286	354, 519	519	764	
118	A bill to provide a safe system of government, and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders.....	286				
119	A bill to provide for the punishment of persons interfering with trains on railroads.....	286				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage	Passed House.	Passed Senate.	Other proceedings.	Approved.
120	A bill to amend the 21st section of an act prescribing the duties of justices of the peace in State prosecutions, approved May 29th, 1852.....	286	354, 520	520	703		757
121	A bill to provide for the re-location of county seats, and for the erection of public buildings in counties in cases of such re-location.....	286	354, 512, 589	590	754	766	875
122	A bill to amend the 9th section of an act regarding estrays and articles adrift, approved June 16th, 1852.....	287	354, 415	416	741	732	857
123	A bill authorizing courts to appoint counsel to defend persons arraigned on criminal charges and to make compensation therefor; and also to assign assistant counsel to prosecute in criminal cases, and to allow compensation for such services, to be paid out of the county treasury.....	287	354, 526				
124	A bill requiring railroad companies to procure a bell for each locomotive running on their road; also requiring railroad companies to erect and keep up sign boards at their crossings of each township highway, and to convey in this State, and providing penalties for a failure to comply with the provisions of this act.....	305	355, 795				
125	A bill in relation to the practice and pleading in civil cases in the circuit and common pleas courts.....	310	355				
126	A bill to repeal the first, eleventh, and twelfth sections of an act entitled "an act to exempt property from sale in certain cases," approved February 17th, 1852, and to provide for the exemption of property from sale upon execution to the amount of an hundred and twenty-five dollars.....	310	355				
127	A bill to amend the 596th section of chapter 1st and article 29th of the Revised Statutes of 1852, and entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.....	310	437, 526	527	704	806	756
128	A bill to repeal section seven of an act entitled "an act to provide for the election and prescribing certain duties of Recorders," approved May 31st 1852; also to provide who shall keep a record of marks and brands.....	310	437				
129	A bill to provide for the discovery of the cause, and remedy for the disease commonly known as milk sickness.....	311	438				
130	A bill to save costs to minors, decedents' estates, and others, in reference to conveyances under judicial sales, and to repeal certain laws in reference thereto.....	322	438				
131	A bill to amend sections 29 and 30, of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7,						

BILLS OF THE HOUSE OF REPRESENTATIVES.—Continued.

Number.	TITLE.	Introduced.	Proceedings before Passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
155	A bill requiring railroad companies to publish their rates of transportation, and to ship freight in the order in which it is delivered for transportation.	401	443				
156	A bill to authorize county auditors to make out lists of road taxes.	402	532	532			
157	A bill to amend sections five and six of an act entitled "an act to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 53th and 58th sections of the act entitled 'an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer,' approved January 28th, 1832."	443	443, 457, 596	597	742		757
158	A bill for the effectual suppression of lotteries in the State of Indiana, and to repeal the 32d section of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1832.	408	444				
159	A bill to establish tobacco inspections in the State of Indiana.	408	444, 865	865			
160	A bill to amend the act entitled, "an act authorizing the construction of Plank, McAdams and Gravel roads, and empower the same to make sale of a portion of their roads."	433	444, 532	532	702		739
161	A bill for the preservation and collection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law.	425	444, 49, 632	760			875
162	A bill authorizing the payment of taxes due in the State of Indiana, in the circulating notes of the free banks of this State, and to enable the Treasurer of State to convert the same into money, and to invest a portion of the revenue in Indiana State bonds.	426	444, 645				
163	A bill to amend the 54th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1832.	427	445, 533	533	704		757
164	A bill to amend section 22 of an act defining misdemeanors, and prescribing punishment therefor.	427	449				
165	A bill supplemental to an act, entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1832.	427	449, 694				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
184	A bill to authorize county treasurers to refund to tax payers special school tax in certain cases.....	481	648				
185	A bill to amend an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlement".....	482	649				
186	A bill to amend the 17th section of the 5th chapter of part 3d of the revised statutes of 1859.....	482	648, 650				
187	A bill to authorize the assessment and collection of a tax upon dogs, the tax to constitute a fund for the compensation of owners of sheep destroyed by dogs, and for the encouragement of agricultural societies.....	482	648				
188	A bill to encourage the improvement of the breed and stock of horses, and for the benefit of agricultural societies.....	482	655				
189	A bill for the relief of county recorder.....	482	651				
190	A bill to protect the rights and privileges of the inhabitants of the State of Indiana, and to secure them from unlawful and improper arrests.....	482	652				
191	A bill to establish a State bank with branches.....	482	673				
192	An act to suspend an act entitled "an act to adjust the Gibson township claim, and providing for the payment of the judgment of the Vincennes university against the State by issuing State bonds therefor," approved February 13th, 1855.....	482	554, 786				
193	A bill to provide for the election of officers for the State prison, and for the appraisalment of the property of said prison.....	503	662				
194	A bill to provide for the government and discipline of the State prison.....	503	669				
195	A bill making an appropriation to build in the erection of a monument on the Tippecanoe battle ground, and providing a plan for the same.....	511	662, 765				
196	A bill to authorize the Governor to contract for the competition of the cells and cell-house of the State Prison, and appropriating a sum of money for the same.....	512	662	699	878		890
197	A bill to prevent fraud in the sale of hogs, pork, bee, &c.....	535	699				
198	A bill to amend the 63d section of an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	535	663				
199	A bill to repeal sections 2 and 3 of an act entitled "an act to regulate the retailing of spirituous liquors and for the suppression of evil practices therefrom," approved March 4th, 1853, and declaring a license issued under said act null and void from and after the 1st Monday of April next.....			695	804		875
200	A bill amending an act entitled "an act regulating decedents and the apportionment of estates," approved May 14th, 1852, and providing that the widow of any decedent	544	565, 567, 660, 693				

201	shall make her election in case her husband shall have died testate, between his will and the provisions made for her by law	545	663				
202	A bill to amend an act entitled an act to provide for the erection and repair of bridges, approved May 22, 1852.....	549					
203	A bill to provide for the appropriation of certain school funds raised for specific purposes, when those purposes have been abandoned	549	663, 863	864	878	891	
204	A bill to amend an act entitled "an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6 b, 1852, and providing for the prosecution of such cases by the overseers of the poor	550	672				
205	A bill to repeal all laws incorporating the town of Clarksville, and making the territory included therein, subject to the general laws of the State of Indiana	559	598				
206	A bill to amend the 6th, 22d, 78th, 9th, 119th and 194th sections, and to repeal section 99, of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.....	566	662, 735	749			
207	A bill to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring certain taxes legal, and to provide for the manner of giving notices by the trustees of incorporated cities and towns".....	561	647, 842	842	878	890	
208	A bill relative to the rights of married women	561	566, 664, 686				
209	A bill to provide for the refunding of school tax collected from the property of negroes and mulattoes, under the act approved June 14, 1852	566	672				
210	A bill for the relief of William, Mary, Jane, Nancy, and Eliza McConahay, stepchildren of Jonas B. Wood, of Davies county, and releasing to them certain real and personal property which escheated to the State.....	566	814	814	878	891	
211	An act to amend the 20th section of an act entitled "an act to incorporate the Fort Wayne and Columbia Plank Road company," approved January 1st, 1850	587	672	845			
212	An bill declaring certain statutes therein named a misprint, attaching certain territories therein named to the county of Fulton, and legalizing the acts of officers in said territory	597					
213	A bill to raise a revenue for State purposes for the years 1855 and 1856.....	597	647	671	751	875	
214	A bill authorizing the swamp land commissioners of Davies county to make compensation to George Braden, for draining swamp lands in said county.....	603	672				
215	A bill to apportion the Senators and Representatives for the next six years.....	607					
216	A bill to legalize records of any proceedings in reference to roads, heretofore made by the clerk of any court in any county of this State.....	609	663, 718, 720	730	857		
217	A bill for the better support and management of the Indiana Institute for the Education of the Blind, and repealing a former act in reference thereto.....	615	653	815		890	
218	A bill to provide for the disbursement of the appropriations made by the General Assembly for the support of the Indiana Hospital for the Insane.....	618	734	755			
219	A bill making general appropriations for the years 1855 and 1856.....	619					
220	A bill to discourage incompetent persons from practicing medicine or surgery within the State of Indiana.....	641	671, 693, 768	808	878	890	
221	A bill to amend section 20 of an act entitled "an act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1st, 1852, and giving power to the clerk in certain cases to appoint clerks.....	659					
222	disburse.....	660					

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Introduced.	Proceedings before Passage.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
221	A bill to repeal the law fixing the time of holding courts in the seventh judicial circuit, and fixing the time of holding courts in said circuit.....	660					
222	A bill to declare the meaning of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in certain cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved the 16th day of February, 1853.....	660					
223	A bill to amend sections 32 and 33 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.....	662					
224	A bill to provide for the education of the colored children of this State.....	662					
225	A bill to authorize appeals to the Supreme Court from the judgment of the Court of Common Pleas, in cases of contempt.....	662	765				
226	A bill to provide for the collection, safe keeping, transfer and disbursement of the State and county revenue.....	665					
227	A bill to amend the 103d section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions, in the courts of this State,".....	665					
228	A bill to repeal sections 2 and 3 of an act entitled "an act to provide compensation to owners of animals killed or injured by the cars, locomotives, or other carriage, of any railway company in this State," approved March 1, 1-53, also to extend the general law on the subject of partition fences to railroad companies, and also requiring the erection of cattle guards, and the crossing of highways.....	665					
229	A bill for the appraisement of real property.....	676					
230	A bill to provide for the signature of notes of the State Bank of Indiana, in case of the inability of the president from illness, accident, or otherwise, to make such signature.....	701					
231	A bill to amend section 34 and section 315 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.....	701					
232	A bill to amend sections 962 and 75 of an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	701	766				

233	A bill declaring express companies to be common carriers, and providing for the safety of article entrusted to their care.....	701	721, 798	798	878	891
234	A bill to amend an act entitled "an act fixing the per diem and mileage of the members of the General Assembly, secretaries and doorkeepers....."	702				
235	A bill authorizing the establishment of public schools in the incorporated cities and towns in the civil townships of the several counties of the State of Indiana.....	723	817	818	857	874
236	A bill making specific appropriations for the year 1853.....	736	809, 849	853	866	891
237	A bill to create the 14th judicial circuit and to fix the time of holding courts therein, and in the tenth judicial circuit.....	746				
238	A bill to provide for the construction of a furnace and the necessary apparatus for heating the State House.....	746				
239	A bill transferring the duties of county and town agents to count, auditors, and authorizing them to demand and sue for the hooks, bonds, notes, and conveyances belonging to their agencies, and authorizing them to make conveyances to certain cases.....	777				
240	A bill to define the mode of issuing patents to the purchasers of swamp lands.....	747				

BILLS OF THE SENATE.

934

Number.	TITLE.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.	Approved.
5	An act to amend the 22d and 73th sections of an act entitled "an act fixing the time for holding courts of common pleas and the length of the terms thereof, in the several counties of this State," approved March 14, 1852	82	82, 169			
25	A bill to fix the time for holding the circuit courts in the eighth judicial circuit, and repealing all laws in conflict therewith	111	111			
4	A bill to regulate the sale of swamp lands	150	170, 208, 232, 271	281		
7	A bill providing for the election and qualification of justices of the peace	150	170, 208, 260	261		
8	A bill for the relief of borrowers of the common school fund	130	170, 208, 555			
24	A bill to provide for the election fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana	150	170	563		
40	A bill providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished	150	211, 325, 376	377		445
47	A bill to provide for a geological survey of the State	150				
17	A bill to authorize the successors of executors and administrators to make sales and conveyances of realty, under orders of sale procured by the predeceases	155	211, 283			
35	A bill creating the twelfth judicial circuit, providing for the election of a judge thereof, fixing the times of holding court therein, providing for the appointment of a judge to fill the vacancy therein declared, regulating the return of process, &c., and providing for the prosecution of the pleas of the State therein	155				
30	A bill to amend the 13th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 15, 1851	153	212			
39	A bill to give the circuit courts concurrent jurisdiction with the courts of common pleas, in cases of riot	154	170, 208, 411			
4	An act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852	154	170, 208, 411			
7	A bill supplemental to "an act providing for the election and qualification of justices of the peace defining their powers and duties in civil cases," approved Jan. 9th, 1852, and providing in the manner of filling vacancies	160				
44	A bill authorizing county auditors to call a special term of the board of county commissioners, when the interest of the county may demand it	160	295			
17	A bill to authorize the successors of executor, and administrators, to make sales and conveyances of realty under orders of sale procured by their predeceases	209	575	575		
35	A bill creating the 12th judicial circuit, providing for the election of a judge thereof, fixing the time of holding courts therein, providing for the appointment of a judge to fill the vacancy					

36	A bill to amend sections 29, 30 and 31 of an act to provide for a general and uniform system of the pleas of the late tier in.....	209	300, 277, 329	405
	A bill to amend sections 29, 30 and 31 of an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, and to provide for the distribution of the school funds in 1833.....	209	284	
31	A bill relating to an act therein named, and re-instating the former trustees of the town of Clarksville, in their private duties and right.....	210	214, 284	
43	A bill to confirm the title of certain swamp lands.....	210	214, 356, 614	
3	A bill to amend section 78 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1832.....	210	282	667
6	A bill for the protection of the Sabbath.....	210	282, 667	740
22	A bill to amend the 7th section of an act defining misdemeanors and prescribing punishments therefor, approved June 14, 1832.....	210	214, 283	
28	A bill to regulate the sales of county auditors for transferring land for taxation.....	210	214, 283, 576	
39	A bill for regulating crossings of public highways and privileges by railroads.....	210	214, 284, 334	
41	A bill for enabling parties to convey lands, tenement and hereditaments held adversely, and to give validity to contracts heretofore made for reforestation, and to enable vendees to receive possession thereof.....	210	214, 326	337
42	A bill in relation to plank, McAdams, gravel, tram and gravel road companies.....	210	214	654
46	A bill to authorize connecting railroad companies to make running and operating contracts, to lease and sell parts of their road to other railroad companies, and to authorize the lessees and vendors to hold and enjoy the same and acquire and perfect the title to the right of way.....	211	214, 326	
13	A bill to amend section 3 of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1832.....	211	283, 575	575
44	A bill authorizing county auditors to call a special term of the board of county commissioners, whenever the interest of the county may demand it.....	211	295	
57	A bill directing the Auditor of State to surrender bonds of free banks not paying specie, when the bills are presented.....	211		
48	A bill to provide for the preservation of newspapers, published in the several counties in the State of Indiana, in the office of the auditor of each county, and to repeal an act entitled "an act for the subscription, and preservation of the public newspapers printed in the several counties in this State," approved June 9, 1832.....	261		
21	A bill to adjust the Gibson Seminary township claim, and for quieting the title of the Indiana University to the State University fund.....	261	266, 347, 376	460
18	A bill to repeal an act to prevent railroad companies from changing their depots, except on condition the claim named: approved March 4, 1832.....	270	353	
11	A bill to amend the 30th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in courts in this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1832.....	301		
29	A bill to amend an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State.....	301	849, 849	
81	A bill to provide for the appointment of judges of the courts of common pleas in certain cases, and to provide their compensation.....	334	336	

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other Proceedings.	Approved.
83	A bill declaring what a seal is, in contemplation of laws requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.....	334	336			
95	A bill to fix the time of holding courts of common pleas in the counties of Laporte, Porter and Lake.....	334	334		372	
87	A bill to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance.....	372	368 405			
100	A bill authorizing the recording of patents for real estate, and making the records thereof and certified copies of such records evidence.....	419	436, 553			
45	A bill fixing the time of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict with the same.....	429	430			
58	A bill to amend the twenty-fourth, the thirty-first, the thirty-third, and the thirty-seventh sections of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17 th , 1852.....	429	430, 550			
71	A bill declaring the proof of names of parties in certain cases not necessary.....	429	430, 550			
78	A bill to provide for the listing of corporation and public stocks.....	429	550			
82	A bill to amend the first section of an act entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope or wire dancing puppet shows, and leggermen," approved June 15 th , 1852, and to prevent the establishment of a broker's office as a business.....	429		750	804	
84	A bill amending section 11, of chapter 31, of the Revised Statutes of 1852, relative to the making out and turning in to the several inspectors of elections poll books, tally papers, &c., and providing compensation for said services.....	429	430, 551			
88	A bill to amend the second section of an act, entitled "an act to incorporate the Ward Cotton Mill," approved February 1 st , 1848, and increasing the capital stock thereof.....	429	430, 551	643		
89	A bill to regulate the filing of bonds and oaths of guardians and to repeal section four of an act touching the relation of guardian and ward, approved June 5 th , 1852.....	429	436, 552			
90	A bill to amend the 18 th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13 th , 1852.....	429	430, 552			
92	A bill to authorize the appointment of commissioners to execute deeds to purchasers under sales by executors administrators and guardians.....	429	430, 552			
115	A bill to prevent depositions of certain officers therein named, and to provide penalties therefor.....	432	436			
105	A bill to enlarge the jurisdiction of the courts of common pleas in cases in which property is or may be attached.....	433	430, 553			

106	A bill requiring swamp land commissioners to give bonds.	433	436, 553	
98	A bill to regulate the taking of appeals from the court of common pleas, and to legalize appeals heretofore taken.	433	436, 553	
78	A bill to amend section three of an act for the regulation of weights and measures, approved June 9th, 1852.	431	436, 601	602
85	A bill to enable railroad companies to dissolve.	433	436	
55	A bill to regulate the title of all those who purchased swamp lands of the United States after the date of the donation and before the selection of the swamp lands by the State of Indiana, and to authorize the State to refund the excess where said purchasers paid over one dollar and twenty-five cents per acre.	433	435, 555, 812, 855, 862	
75	A bill to provide for the punishment of negligence, carelessness, and misconduct of the operatives and agents of railroad companies, and for punishment of persons who shall wilfully and recklessly leave open any fence, gate, or bar, of railroad companies in this State.	433	436	
77	A bill to give the courts of common pleas jurisdiction in all cases of felonies.	434	436, 552	
63	A bill to amend the 540th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."	434	436, 551	
27	A bill to authorize the refunding of money in cases where the State has sold lands as swamp lands by mistake or without authority.	431	435, 554	
65	A bill to protect the drains, levees, dykes, dars, canals, rivers, creeks, and all other sources used for the draining and reclaiming of the swamp lands of this State, which have been established by law.	434	436, 551	
54	A bill to amend the first section of an act approved May 13, 1852, entitled "an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities."	434	435, 555	750
53	A bill giving foreign corporations the right to construct bridges over rivers forming the boundary line of this State.	434	435, 555	
38	A bill to amend section five of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or an adjoining State, and to construct their roads with the route of said companies, and to authorize railroad companies to use and occupy the same when completed," approved February 23, 1852.	434	435, 554	
68	A bill to amend the third section of an act entitled "an act to provide for the erection and repair of bridges," approved May 24, 1852.	435	436, 551	
42	A bill to enable parties to convey lands, tenements and hereditaments, held adversely, and to give validity to contracts heretofore made therefor, and to enable vendees to recover possession thereof.	487	564	
✓ 112	A bill appropriating five thousand dollars per annum for the purpose of colonization and to give additional power to the State board of colonization.	488	540, 558, 642, 698, 709	715 716, 747
143	A bill fixing the time of holding the courts in the common pleas district composed of the counties of Tippecanoe and Warrick.	488	576	
145	A bill to extend the term of holding the courts of common pleas in the county of Tipton, at its March term, 1853.	526	691	691
138	A bill to fix the times of holding the circuit courts in the 9th judicial circuit.	536	540, 558, 689	689
	A bill to prevent defalcations of certain officers therein named, and to provide penalties therefor.	535	540, 620	621 747

BILLS OF THE SENATE.—Continued.

938

Number.	TITLE.	Reported from Senate.	Proceedings before Passage.	Passed House.	Other Proceedings.	Approved.
130	A bill to authorize the re-transfer of settlements of decedents' estates guardianships, petitions to sell land, and all other matters that have been transferred from the common pleas court to the circuit courts, on account of the judges of said common pleas courts being interested, back to said courts on pleas in equity.	536	540, 560	679		
125	A bill to amend section 21 of an act entitled "an act to incorporate the Franklin and White River Turnpike Company."	536	540, 558			
127	A bill defining the duties and fees of Notaries Public in the case of protest of the notes of suspended banks.	576	538, 678			
108	A bill relating to the reversal of judgments against convicts in the State Prison.	536	538, 557			
136	A bill to provide for the surrender and exchange of the certificates of stock of the State of Indiana.	536	538			
62	A bill to amend the 11th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.	536	538, 562			
107	A bill legalizing the filing of copies of original articles of association of railroad companies, formed in pursuance of an act entitled "an act to provide for the incorporation of Railroad Companies," approved May 11th, 1852.	536	538, 558			
61	A bill to amend the 20th and 30th sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of count and township offices in relation thereto, approved Jan. 18, 1852 and to increase the compensation for labor.	537	540, 558			
5	A bill to amend the 65th and 66th sections of an act providing for the settlement of decedents' estates, prescribing the rights and liabilities and duties of officers connected with the same, at their death, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.	537				
126	A bill to enable cities which have subscribed for stock in companies incorporated to construct works of public utility, under the 56th section of the general act for the incorporation of cities and to revise same.	537	558			
29	A bill to provide for the organization and government of railroad companies, and in relation to existing railroad companies.	537	576			
99	A bill to amend section 11, of an act entitled "an act to revise simplify and abridge the rules, practice readings and forms in civil cases in the courts of this State. To abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading; and practice without distinction between law and equity," approved June 18, 1852, on the subject of limitations in civil actions.	537	540, 561, 708, 712			
103	A bill to amend section 19 of an act for the government of the Indiana Hospital for the Insane of Indiana, approved January 15th, 1852.	537	540, 562	807	847, 879	

104	A bill to provide for the sale, under execution or order of sale, of any house or other building belonging to the defendant and situated on and not owned by him, and to provide for the purchase by landlords of such buildings, and to prohibit the collection of rents in certain cases.	538	541, 561, 680		
109	A bill to subject the corporate franchises of plank roads and turnpike companies to sale on execution.	538	541, 661		
138	A bill to fix the times of holding the circuit courts in the judicial circuits.	538			
147	A bill requiring payment or tender to be made of taxes, and penalty with interest thereon, before a writ of habeas corpus is granted, and of lands sold for taxes, from any person claiming the same under a tax title deed made by the auditor, and repealing all laws in conflict therewith.	548	549		
134	A bill to repeal section 50, chapter 10, of an act entitled an act providing for the settlement of decedents' estates prescribing the rights, liabilities and duties of officers connected with the management of the roof, and the heirs thereof, and certain forms to be used in such settlement approved June 17, 1852.	548	548, 677	677	747
141	A bill to amend section 27, of an act providing for the election and appointment of surveyors of highways, and prescribing certain of their duties, and those in county and township officers in relation thereto.	548	550, 563		
45	A bill fixing the times of holding the several circuit courts in the third judicial circuit, prescribing the length of terms thereof, and repealing all laws in conflict therewith.	548	550		
111	A bill for the incorporation of high schools, academies, colleges, universities, theological institutions, and mission societies.	556	556, 563, 599		740
121	A bill to provide for a geological, mineralogical, and agricultural survey of the State of Indiana.	556	556, 563, 599		
142	A bill to provide for the adoption of children and changing their names.	556	556, 563, 599		
34	An act to amend sections 29, 30 and 31, of an act to provide for the general and uniform system of common schools and school libraries, and matters properly connected therewith, and to provide for the distribution of school funds in 1853.	556	556, 563, 599		
148	A bill to provide for the collection of the surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same.	556	577		
132	A bill in relation to the assessment of damages against railroad companies.	665	602, 610	613	706
137	A bill to legalize the known wedding of clerical members of the circuit courts of this State after the receipt of the Revised Statutes of 1852, in their respective counties.	665	665		
146	A bill legalizing the incorporation of such companies, and their acts, as organized under any of the acts contained in the Revised Statutes of 1852, after the passage of said Statutes, and before they were distributed and went into effect.	666	673		
152	A bill defining the amount of property that shall be omitted by executors and administrators, in making out inventories.	666	673		
155	A bill for the better security of lands arising from the sale of swamp lands.	666	673		
157	A bill authorizing county recorders and county surveyors to issue fee bills.	666	673	874	
129	A bill to amend section two of an act prescribing and defining the duties of constables.	673	673		
139	A bill to change the time of holding courts in the eleven judicial circuits.	673	673, 788	788	
93	A bill to establish a board of railroad commissioners.	705	974, 700, 731, 752, 761	761	797, 803, 836, 839
139	A bill to provide for the election of officers for the State Prison, and for the appointment of the jury of said prison.	704	737, 795	795	803
182	A bill declaring valid certain deeds or letters patent of the State of Indiana to the purchasers of swamp lands.	704	707		
140	A bill to provide for the government and discipline of the State Prison.	704	735, 767, 879		

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Reported from Senate.	Proceedings before passage	Passed House.	Other Proceedings.
80	A bill to authorize the transfer of stocks to the State Bank of Indiana, or to her for the use of a branch by a failing debtor or other person when the same becomes necessary to prevent loss.	705	735		
178	A bill to provide for the election of State Printer by the people.	705	707, 706, 812		
144	A bill to authorize the Governor to contract for the completion of the cells and cell house at the State Prison and appropriating a sum of money for the same.	705	706, 748	807	
151	A bill relating to the State University, supplemental to and amendatory of an act entitled "an act providing for the government of the State University," the management of its funds, and for the distribution of the lands thereof," approved June 17th, 1852 and providing for the appointment of two commissioners and for the sale of lands granted to the State for the use of the University and for securing a more economical administration of its affairs by leasing the number of its Board of Trustees and limiting the expenses of managing its funds.	705	707, 711, 727, 760	785	780, 803
156	A bill to amend section 315 of chapter 1 of part second of the revised statutes of 1852.	706			
158	A bill to amend "an act to incorporate the Madison Marine Insurance Company," approved January 11th, 1849.	706	735	789	
161	A bill to provide for the settlement of claims of the lessee of the State Prison.	706	734, 739		
165	A bill to provide for the sale of certain lands lying in section 16 made by county auditors and treasurers.	707	748	798	
153	A bill to legalize the sale of certain lands lying in section 16 made by county auditors and treasurers.	707	732, 765	799	
133	A bill to fix the commencement of the terms of certain county officers, and to render the same uniform.		734		
180	A bill supplemental to and amendatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and for the suppression of intemperance."		773		
67	A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities.	738			
113	A bill to provide the mode of trial, forming the issues taking dispositions, rights of challenge to jurors in suits involving the descent of real estate, the distribution of personal property, money, or choses in action of an in-estate, where there are defendants claiming adverse interests, and to regulate the practice as between such defendants and in such cases.	738			
133	A bill to fix the commencement of the terms of certain county officers and to render the same uniform.	738			
149	A bill for the collection of a surplus revenue and other school or trust funds, and making county auditors and county treasurers competent witnesses in suits for the collection of the same.	738	748		
97	A bill authorizing county recorders and county surveyors to issue fee bills.	739			
129	A bill to amend section 2, of an act prescribing and defining the powers and duties of constables,	739			

167	A bill to cede to the United States jurisdiction over lands in Michigan City for a light house and harbor.....	737	765	
185	A bill to provide for the leasing of town y seml aries where they have been rected upon lands conveyed upon a co-diti n that such lands and the buildings should be used for seminary purposes only, or for seminary purposes and town or public meetings.....	739		
105	A bill to amend section 22 of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.....	740		
50	A bill entitled "an act to provide for the election of United States Senator".....	741		
176	A bill to amend sections 3 and 6 of an act providing for the election and prescribing certain duties of county surveyors; approved June 17th, 1852.....	741		
177	A bill to legalize the organization of railroad companies, and election of directors thereof, in certain cases.....	741	766, 797	813
179	A bill fixing the time of holding the Circuit Courts in the Fifth Judicial Circuit.....	741	812	879
180	A bill -supplemental to and am-ndatory of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and for the suppression of intemperance".....	742		
184	A bill to provide for the empanneling of juries, when the sheriff shall fail to or improperly empannel the same.....	742		
102	A bill to provide for the public peace and private security, and to prevent conspiracies and combinations interfering with the free enjoyment of religious rights of citizens, and prescribing the punishment thereof.....	742		
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Appeared and was qualified.....	4
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1	A joint resolution on the subject of postage.....	69	69, 87, 134				
2	A joint resolution in relation to the subject of slavery in the Territories of Kansas and Nebraska.....	129	165, 272, 307, 309, 310, 885				
3	A joint resolution relative to the repeal of that clause in the Nebraska bill which repeals the 8th section of Missouri Compromise.....	142	381	751			
4	A joint resolution upon the subject of lands and increase of pensions for military services.....	223 438	323, 415 438, 544	415 547	484		009
5	A joint resolution in relation to cheap ocean postage.....						
6	A joint resolution relative to amending the constitution of the United States, so as to require the election of the President and Vice President by a direct vote of the people.....	438	438				
7	A joint resolution against the renewal of certain patents.....	320	321	321	360		
8	A joint resolution in regard to the independence of Liberia.....	353	411				
9	A joint resolution on the subject of naturalization laws.....	387	387, 541				
10	A joint resolution asking Congress to give a credit for the duties on railroad iron.....	408					
11	A joint resolution in relation to amending the Constitution of the State.....	475					
12	A joint resolution on the subject of prohibiting the importation of foreign liquors except by coast of the several States.....	481	504				
13	A joint resolution on the subject of granting public lands without price to bona fide settlers.....	481					
14	A joint resolution proposing to amend article 8 of the State Constitution.....	481	504	504			
15	A joint resolution to amend the 2d section of the 2d article of the Constitution of the State of Indiana.....	491	504	504			
16	A joint resolution to amend the 9th section of the 2d article of the Constitution of the State of Indiana.....		781				
17	A joint resolution to amend the 9th section of the 4th article of the Constitution of the State of Indiana.....		782				
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22	A joint resolution to amend the 1st section of the 8th article of the Constitution of the State of Indiana.....	784	
23	A joint resolution in regard to swamp lands.....	682	
24	A joint resolution directing the Attorney General to investigate a claim of Morehead, Hall & Co., against the State, and report the testimony in relation thereto to the next General Assembly.....	686	796
25	A joint resolution to prevent the issuing by the Auditor of State of any more bank bills under the general banking law without the consent of the Governor and Treasurer.....	686	
26	A joint resolution to repeal the 13th article of the Constitution of the State of Indiana.....	785	
27	A joint resolution relative to the pension of John Proctor, resident of Elkhart county.....	882	891

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6	A joint resolution asking Congress to patent to the State of Indiana, all lands purchased of the United States, after the passage of the act of Congress, donating the swamp and overflowed lands to the State of Indiana, and afterwards returned as swamp lands.....	270	353, 572	574	
2	A joint resolution asking for an appropriation from Congress for the improvement of the Michigan City Harbor.....	498	429, 550	846	
10	A joint resolution to distribute to Allen County fifty copies Revised Statutes.....	753	765, 846		
9	A joint resolution in relation to the three per cent fund, and appointing the Governor to settle the same.....	759	765, 872	872	
11	A joint resolution authorizing the Auditor of State to burn cancelled State stock paper in certain cases therein specified, and specifying who shall pay for such services.....	856	856, 870	870	

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KING, JOSEPH M. (of Johnson)—

Appeared and was qualified.....	4
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KING, THOMAS (of Madison)—

Appeared and was qualified.....	4
Bill by.....	550
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Report by.....	402
Leave of absence granted to.....	419

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Appeared and was qualified.....	11
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LEMMON, JOHN—

Appeared and was qualified.....	4
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Motion by.....	470
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LEWIS, DAVID S.—

Appeared and was qualified.....	4
Leave of absence granted to.....	688

LOGAN, EZEKIEL D.—

Appeared and was qualified.....	5
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Motions by.....	146, 371, 600, 663
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LOWE, SIMON P.—

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ERRATA.

- Page 549, "65" votes in the affirmative instead of "58."
Page 550, 551, and in many other places, the word "when" is used for the word "which" preceding a motion to refer.
Page 561, in first line of Senate bill No. 59, "211" should be "11"
On page 603, bill numbered "212" should be "213."
On page 673, in the message from the Senate the bill should be called "a Senate bill."
On page 730, negative should be "18" instead of "R."
Page 703, the words "2nd section" in the title to House bill No. 120 should be "21st section."
Page 703, House bill No. "72" should be No. "12."
Page 725, House bill No. "234" should be "235."
Page 715, Senate bill No. "42" should be No. "112"
Page 766, "Senate" bill No. 232 should be "House" bill.
Page 797, it should be "Senate" bill No. 177 instead of "House" bill.
Page 755, Mr. Newcomb's motion to amend title to House bill No. 161, should be on page 760 after the ayes and noes on the passage of House bill No. 161.
Page 804, Mr. Clark of Rush, made report on House joint resolution No. 24, from Committee on engrossed bills.
Page 805, Mr. Clark of Rush, made reports on House bills No. 225 and 209, instead of Monks.
Page 882, Mr. Hester reported from committee on judiciary, not a select committee.
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NOTE.—Many of the above errors were caused by the inadvertancy of the Clerks.

STATE PRINTER.



